

MARCH/APRIL 1974

COLUMBIA

# JOURNALISM REVIEW

NATIONAL MEDIA MONITOR—PRESS RADIO TV

## **Psychojournalism applied to Nixon** **The FCC's dangerous order to NBC**

Clay Felker's  
*NEW YORK*

# COLUMBIA JOURNALISM REVIEW

March/April, 1974

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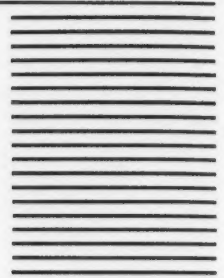
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## Passing comment

### Our kind of Afo-A-Kom

The return of a figure of African heritage from a New York City art dealer to the Kom people of Cameroon titillated the minds and imaginations of the American public at the end of 1973, then faded like Kohoutek. But the incident's brief appearance in the media left far more puzzles than answers. Depending on what you read or heard, you learned that: The Afo-A-Kom was a god . . . or a symbol of tradition, unity, and harmony. It was either "as sacred as" two other Kom statues . . . or the most sacred of all. It was either a national shrine of the Cameroon . . . or a part of the Kom people. It was 5 or 5½ feet tall, or 62, 62½, or 64 inches tall. It was made of ebony . . . wood . . . or iroko. It was covered by either red beads . . . or reddish-brown and blue beads . . . or brown and blue beads. The beads were coral . . . plastic . . . or semi-precious stones.

Kom is a series of villages . . .

a tribal enclave . . . Shangri-La. But no matter how large it is, Kom is located in West Cameroon . . . or East Cameroon.

As for the people of Kom, the remote Cameroonian kingdom, they number 30,000 or 35,000 or 40,000 or 81,000 or 92,000. The *New York Times* used both extremes. The Kom are also primitives, or trapped by modern civilization.

The Afo-A-Kom is a hundred-year-old statue that was stolen from the people of Kom in 1966 . . . or 1967. It was taken from a storage hut that was loosely guarded . . . or not guarded at all. The original thief—there were many—was the son . . . or nephew . . . of Fon (King) Lawaw who died shortly thereafter . . . or who died before the theft.

Aaron Furman, New York City art dealer, who had either an unblemished reputation . . . or was a scoundrel . . . purchased the throne figure in the Cameroon . . . or Paris. In 1967 . . . or 1968 . . . it was brought to the United States, Furman apparently believing that it was legitimately purchased, or knowing



Thomas Johnson—New York Times

that it was stolen. It was valued, by American standards, at \$30,000, \$51,000, \$60,000, \$65,000, and \$80,000. Furman eventually sold the statue for "his expenses," or "a substantial sum," or \$25,000.

Now, about that comet. . . .

**WALTER M. BRASCH  
GILBERT D. SCHNEIDER**

Walter M. Brasch is a doctoral candidate in mass communication-journalism and Gilbert D. Schneider is an associate professor of linguistics, both at Ohio University.

### New England's papers get a closer look

The New England Daily Newspaper Survey, a project inspired and directed by Loren Ghiglione, editor-publisher of a small Massachusetts daily, and administered by the University of Massachusetts, has issued its report, *Evalu-*

*ating the Press*. It is elephantine, comprising not only critical essays on each of the region's 109 daily newspapers, but a supplement with statistical and operational information on each. This charted information contains some surprising revelations on the variety of practices and malpractices still prevalent in American newspapers. One example: more than a

quarter of the newspapers pass off syndicated or other outside material as their own editorial opinions; some papers run as much as 90 per cent of such material.

Just as revealing is the information, not usually made available by newspapers, on pay scales. One finds that it is possible to go to work as a reporter on several small dailies for as little as \$80 a week;

moreover, it is possible in one instance to be making as little as \$130 a week after four years. But those are extreme cases; in general the reporter starting on an average-size New England paper can expect between \$120 and \$130 a week; his experienced colleagues are now creeping past the \$200-a-week level. In terms of purchasing power, today's \$10,000-a-year staffer has reached what would have been called a \$7,000 salary ten years ago. How much professionalism can be bought at those prices?

A majority of papers also revealed the proportion of their expense budgets that were devoted to news-editorial expenditures. There was surprisingly little variation in the averages from the smallest group of papers to the largest; in each group, the average hung around 16 to 18 per cent. But within the groups there were big variations, with some papers spending as little as 7 or 8 per cent on their news operations and few on the other end spending more than 25 per cent.

An admittedly rough study of space devoted to the various categories of material also revealed wide variation. Space given to advertising ranged from less than a quarter to nearly three quarters. Space for locally-produced material stood at anywhere from 13 to 54 per cent, and wire and syndicated material filled up to nearly half the papers' total space. One newspaper, in Gardner, Mass., which listed itself as "very prosperous," was found to devote 46.7 per cent of its space to wire or syndicate material.

Predictably, the amount of news printed grows according to the overall size of the paper in pages. In the 10,000-and-under group, there was an average of nine pages of news; in the 60,000-plus group, nineteen. But while the larger papers ran double the news of the smaller, they ran four times the amount of advertising.

## Wiring the nation the administration way

The report of the Cabinet Committee on Cable Communications, issued in January, has received relatively favorable notices, partly for its lack of the abrasiveness and political heavy-handedness that marked earlier works of Clay T. Whitehead, retiring head of the White House Office of Telecommunications Policy. The report argues straightforwardly for a cable system with something close to common-carrier status—that is, with operators forbidden to originate programming and obliged to supply channels to all comers without discrimination. At the same time, the report envisions the end of the kind of elaborate federal supervision that has at the same time restricted and protected over-the-air broadcasting. In short, cable would have the same degree of freedom and risk available to the print media. Commendably, the report also calls for strict safeguards for the privacy of users.

That much is welcome. And yet the report remains one of restricted vision. Whatever the details, it rests on a projection of an essentially private cable enterprise with largely profit-oriented output; it frowns on municipal ownership and appears to say nothing on any other forms of nonprofit control. In his new book, *Cable Television and the FCC* (Temple), Don R. LeDuc of the FCC's Cable Advisory Committee writes: "It appears that history is about to repeat itself in almost every respect during the cable era, with the lowest common denominator of mass entertainment already beginning to take root in its urban environment. Cable seems to have been released, as it was previously repressed, not because policy had been developed to guide it in performing communications functions essential to the American public, but simply because a proc-

ess of legal and economic assimilation had blunted its threat to the broadcast industry it once challenged."

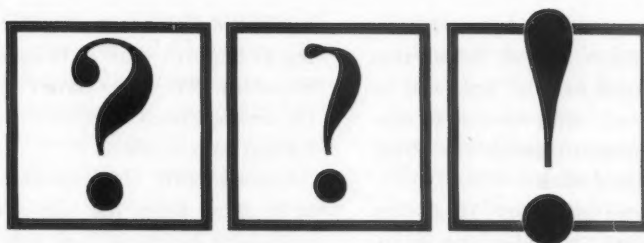
The Whitehead report is another step in hardening this policy of committing cable to the mercies of free enterprise, just as the "truce" Whitehead arranged between cable and over-the-air operators was in 1971. Although the report concedes that each operator ought to maintain a public-access channel, there is scarcely any other gesture toward public, educational, or other non-profit uses of the systems, beyond the acknowledgement that such users can buy their way in at the same rates as everybody else. Is it reading too much between the lines to suggest the report reflects a desire that cable should not develop as an alternative to over-the-air public television, of which Whitehead and his colleagues have scarcely been a friend? Perhaps, but the gap is there nonetheless.

## Darts and laurels

**Dart:** to the International Executive Board of the Newspaper Guild for its call on Nov. 15 for the impeachment of the President. Again, as in its endorsement of Senator McGovern in 1972, the board has embarrassed many journalists in the union by its failure to conduct a referendum of the membership. What was the rush?

**Laurel:** to the weekly CBS News broadcast, *60 Minutes*, for its segment (Jan. 20, 1974) on press junkets, which did not omit the fact that its network sponsored free trips for many newspaper television critics.

**Dart:** to the Iowa City *Press-Citizen* for withholding its first baby-of-the-year award from the legitimate winner because the mother was unmarried.



## Poll watching: do we really know how the public feels about impeachment?

The answers pollsters discover are no better than the questions they ask.

RALPH WHITEHEAD, JR.

■ Burns Roper, the pollster who heads the Roper Organization, recalls watching curiously as the published findings of the Gallup Poll revealed an interesting twist to public opinion about Watergate. For six months preceding last December, George Gallup's syndicated newspaper column reported that two-thirds—or more—of those polled believed President Nixon either planned the Watergate bugging, knew of it beforehand, or tried to cover it up. Yet, fewer people (from 19 to 37 per cent) felt the President should be "impeached and compelled to leave office," as the Gallup question put it.

"There was a gap here," says Roper. "People seemed overwhelmingly convinced of the President's criminal involvement. But fewer people seemed to favor impeachment." Consequently, for 1973's final Roper Reports poll—a \$3,600-a-year private service for subscribers—the Roper Organization included a set of questions designed to dis-

cover *why* the public's desire for punishment did not match its suspicion of crime. "We thought we'd try to solve the puzzle," Roper says.\*

Roper reported figures similar to Gallup's: 79 per cent of those polled believe the President to be guilty of a "serious offense" yet only 44 per cent favored impeachment. But Roper's analysis of public opinion last November suggested at least two reasons for the gap:

"The public is evenly divided on the question of impeachment, with many against it because they think it would be destructive to the country (not because the charges are not true or not serious)." Roper had asked those who opposed impeachment: "Is that *more* because you don't believe the charges against President Nixon are true, or *more* because you don't think the charges are serious enough, or *more* because you think it would be too destructive to the country?" Fifty-three per

Ralph Whitehead, Jr., is a former political reporter for newspapers and public television now teaching at the University of Massachusetts.

\* An October column by Louis Harris noted the discrepancy but dismissed it. "In fact, there is no discrepancy at all," he wrote. "The people have become rather sophisticated about not condemning a man before an official finding has been made, and President Nixon is no exception to that rule." However, the column offers no evidence or poll data to support Harris's view.

cent said their concern was for the destructiveness to the country. In addition, Roper found that knowledge of what impeachment is "may well be below the 50 per cent level," with more than one-third saying that impeachment meant the President would be thrown out of office.

These poll findings were important. If, as they suggested, many Americans were mistaking an indictment by the House for a conviction by the Senate, the misunderstanding was bound to affect congressmen on the House Judiciary Committee. And the poll's evidence of public anxiety weakened one interpretation of the national mood—the cynicism theory—which holds that Americans thought: "Politicians pull dirty tricks all the time, there's nothing ordinary folks can do, the Nixon guys just happened to get caught, so what else is new?" The Roper findings suggest that a majority doesn't feel powerless—instead, it is fearful of what may happen if it chooses to exercise its power.

There seems to be a fairly simple reason why the Gallup Polls, syndicated as newspaper features, had not detected these underlying public values

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## "Questions shaped less by social science than daily journalism . . ."

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and misconceptions: they hadn't looked for them. Gallup's single impeachment question asked: "Do you think President Nixon should be impeached and compelled to leave the presidency, or not?" The question does nothing to identify any confusion about impeachment, or to control for it. If anything, the question *promotes* the confusion found by The Roper Organization. "It seems to me this question is defining impeachment as 'compelling the President to leave the presidency,'" says Albert Cantril, a survey research professional who advised former President Lyndon Johnson, among others, on interpreting poll data.

Nor did Gallup ask *why* the public was less willing to impeach than to believe in the guilt of the President. "We really haven't gone after this," says Dr. Irving Crespi, executive vice president of The Gallup Organization.

Consequently, this case may suggest a question to be asked about the questioners themselves, the syndicated pollsters: how good are the questions in the syndicated newspaper polls? Public opinion polling has already bred a sizable literature. It devotes a lot of discussion to the *style* of questions (how to avoid value-laden words, for example). Yet, far less attention is given to the choice of subjects about which questions are asked every month in news features.

In fact, questions in the polls syndicated to newspapers are shaped less by the goals of the social sciences than by those of daily journalism. Two British researchers have recently made this point. "I had always assumed that the pollsters were serious researchers doing a serious job," noted Richard Crossman, the Laborite minister and editor, in a review of *Public Opinion Polls*, by F. Teer and J. D. Spence, a study of Britain's counterpart to the American syndicated polls. "Now I know better," Crossman added.

"(T)he political opinion polls . . . must be judged as members not of the academic fraternity but of the Fleet Street gang," said Crossman, as he quoted Teer and Spence:

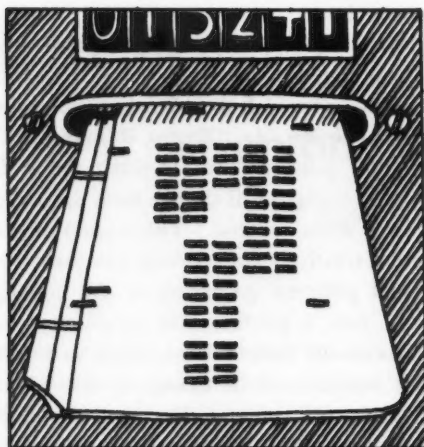
The end use of the poll primarily affects the depth of questioning on any topic. The newspapers' needs and the consequent limitation on space devoted to opinion poll reporting mean that any issue examined by the polls will be dealt with at a relatively superficial level. The analysis will also be severely limited to the main aspects of the findings for the same reason. . . . The topics examined by a poll will in general be those which the client newspaper considers to be of editorial interest.

A similar pattern holds on this side of the Atlantic. "The Gallup Poll is in the newspaper business," says Gallup's Dr. Crespi. "It's a journalistic enterprise." Louis Harris offers the same view in an upbeat way: "Our criteria for questions are as wide as a newspaper editor's." "Those columns are written for mass consumption," says Burns Roper,



who adds: "The clients are newspaper editors, and periodically they are going to ask themselves: 'Do we want to take Gallup for \$12 or would we draw more readers with a crossword puzzle at \$11.50?'" "Day to day, the ultimate client of a syndicated poll is likely to be a night editor somewhere," says Albert Cantril. "He's got to decide if he should run the Harris or Gallup copy off the wire, or instead use the space for a rape story."

Consequently, the syndicated newspaper polls create or enhance newspaper *clichés*, for instance,



the end-of-the-year *genre*. Gallup lists not the best-dressed but the most-admired. Gallup's column for the week ten years after the assassination of John F. Kennedy was an interesting look at the public standing of the late president, and it drew on one of the polling organization's major assets, its decades of data. It naturally anticipated the flurry of ten-years-after stories. Early this year, Louis Harris provided a good example of the way pollsters follow the news media focus. Harris asked if a special presidential election, approved by Congress and the Supreme Court, should be held in 1974. "Mayor Kevin White of Boston mentioned it, first I saw, on the Op-Ed Page of the New York Times," says Harris. The idea gained the support of those polled. (Expert Cantril winces at the question: "One, the public will respond to an initiative and, two, the mention of those authoritative institutions—Congress and the Supreme Court—will also get a response.") "I just

thought we'd give it a try," says Harris.

Their focus on pleasing—or anticipating—news editors has led Leo Bogart, past president of the American Association for Public Opinion Research, to label the syndicated polls as "grab-bag affairs intended for public amusement." Timeliness is the major criterion for picking question topics, and this translates (perhaps too easily) into following the front pages. "Our concern is for the Gallup to be as timely as possible," says Ivan Dee, executive editor of the syndicate used by the poll, Publishers Hall. "The questions pretty much follow the news." An editor of the Gallup Poll, Thomas Reinken, says: "We kick around ideas for questions and we ask ourselves, 'What's hot?, What's newsworthy?'"

"Our topics tend to be things you'd be seeing in the newspapers," says Graham Bright of Louis Harris & Associates. "The polls hitchhike on the headlines," says Cantril. "And they follow the scoop mentality at times, too." This may have been reflected by Louis Harris during an interview in January. "We've got a blockbuster coming up for next week," he enthused. "For the first time, we've got a plurality calling for the President to resign." More often, though, the questions—and answers—tend to be fairly predictable. "Rarely do they reveal anything startling," says Ivan Dee.

Yet, the impulse to hitchhike on the headlines creates a problem of its own. In the scholarly journal *Public Opinion Quarterly*, G. Ray Funkhouser recently followed issues of the 1960s—Vietnam, racial unrest, inflation, drugs, and others—as they moved through the media and the syndicated polls. He was critical of a trend question asked by Gallup: "What do you think is the most important problem facing America?" Funkhouser wrote:

Were the item directed toward the problem that most bothered the *respondent*, it is likely that the answers would have been completely different. After all, most people are not directly affected by the Vietnam war, campus unrest, or poverty. In fact, about the only way that people could estimate the most important problem *facing America* would be to take their cues from the media. The correspondence between news articles and public opinion . . . may be nothing more than the public's regurgitating back to the pollster what is currently in the news, with little or no relation to what the

respondent himself feels is important. . . . The Gallup item . . . may in effect be an indirect content analysis of the news media, showing us the surface of public opinion but not its depth.

Theodore White's *The Making of the President 1972* shows the White House was aware before the last campaign of this same pattern:

When asked what the nation's problems were, people invariably told the polls that the war in Vietnam came first; then crime in the streets; then the national budget; then other matters. But when asked what bothered them, *personally*, they would come up with simpler matters: busing in the schools, for example, or the cost of groceries; or how to get along on the paycheck.

Of course, for the syndicated pollster, there's a genuine financial risk to probing too often for deeper trends, for the emerging aspirations and anxieties of ordinary Americans. "Ask people what's bothering them and you get the dullest damned answers," says one polling expert. "Leaky pipes. The neighbor's dog. High prices. Hardly page one stuff." A deep and careful approach to syndicated polling may catch an occasional trend of consequence: a heightened black concern about crime, say, or widespread job dissatisfaction. Yet, for every important finding, a dozen may turn up of a strictly prosaic nature, and this is no way to run a business trying to sell columns each week. "It's safer to stick to headlines," says this expert.

Yet, eventually, following the headlines may come to involve an even greater risk for the syndicated polls, because it could undermine one of their basic strengths—reporting of grass roots sentiment on a national scale.

For ordinary people, the rituals of state often seem arcane. They're honored by a tiny priesthood of government officials, the bosses of interest blocs, and journalists. The rituals are closely followed only by a relative handful of the devout. Thus, the syndicated polls can serve as a secular influence, offering a touchstone of society, or at least adding a reality principle to policy making.

Yet, if Funkhouser is correct, the polls themselves are becoming assimilated by the priesthood. As one pollster puts it: "The polls waltz the media, the media waltz the politicians, the politicians waltz the polls—but rarely do they ever

touch the ground." Or, as Funkhouser concludes: "Reliance on the news media (and superficial public opinion polls) may mislead anyone who wants to know what is happening in the world and how the public really feels about it."

It's neither wise nor fair to expect too much of the syndicated polls. Many of the influences governing them are relatively fixed: time, space, the column form, the money offered by the syndication market (the polls, of course, tend to be showcases for their sponsoring organizations, not heavy profit makers) and the market's apparent demand for clichés, staples.

If there is a plausible place for improvement, it may be in the questions themselves. The follow-the-headlines approach to polling implies a theory of public opinion. As Thomas Reinken of The Gallup Poll puts it: "People don't really form opinions on things until they've been on the front pages for a while, we find." This notion of public opinion as relatively passive leads too easily to the syndicated pollsters' gathering it and packaging it as if it were a product. The syndicated public opinion column dangerously comes to resemble the film industry's stock footage or the situation comedy's canned laughter. You can almost hear Albert Cantril's putative night editor saying, "Let's use about five inches of this public opinion."

It might be interesting to see what the syndicated polls would find if they tried a contrary premise: namely, that what people think or say is an active force. Would you give money to a political candidate this year? What group would you next like to join? If you could start an organization of neighbors and friends, what would your goals be? What's your union steward saying, and what do you think of it? What's your car pool's consensus on impeachment? Of course, the syndicated polls do occasionally look for independent action at the grass roots. Gallup takes an annual poll of church attendance; Harris recently asked people to list, in a survey he did for a U.S. Senate committee, what they would like to tell the President. More of these questions might discover more that was legitimately new.

Short of this, it's at least fair to expect the syndicated pollsters' questions to meet basic journalistic standards—including the question, *why*.

Journalists are more sophisticated about mental illness than middle Americans—but not that much more.



## Psychojournalism: Nixon on the couch

EDWIN DIAMOND

■ In the summer and fall of 1973, as the Watergate Scandals propelled Richard Nixon into his seventh and most serious crisis, the state of the President's mental health became a national "issue." At least, the media *made* the President's mood and emotional well-being a prime subject of discussion. How much longer, many stories asked, could Richard Nixon "take the pressure?" His closest associates were falling one by one and the noose of disclosure and evidence was tightening around him; would he "crack?" Indeed, had he *already* cracked?

These questions, in turn, created honest public apprehensions. The President's health is, obviously, a fit subject for public concern and serious discussion. Gene Smith, in his excellent 1964 study of Woodrow Wilson, *When the Cheering Stopped*, described the tragedy of a president whose incapacity was shielded from the public by his family and the palace guard. And A. J. Liebling, in *The Earl of Louisiana*, showed how difficult it can be to remove a visibly sick official—in this case, Lou-

isiana Gov. Earl Long—even when his family and close aides lend a hand. A few years ago, the United States Congress, mindful of such experiences (as well as of Eisenhower's series of physical incapacities) provided a remedy of sorts in section four of the 25th Amendment, which states that the vice president and a majority of the cabinet may, at any time, declare the president "unable to discharge the powers and duties of his office."

The Nixon White House, for its part, appeared to take the position that none of these precedents for public concern applied. In its view, there was no "health" story. Mr. Nixon himself maintained in an October news conference that "the tougher it gets, the cooler I get. . . ." He vowed to stay in office "as long as I am physically able," but coupled that statement with the intriguing plaint that he was working 16 to 18 hours a day. At the daily White House briefings, Gerald Warren, the assistant press secretary, regularly reassured reporters that the President was as fit as ever (*Question*: Why does the President spend so much time at Camp David? *Warren*: He finds it conducive to work. *Question*: Does that mean that the President sleeps better at Camp David? *Warren*: If you're

---

Edwin Diamond is a visiting lecturer in the Political Science Department at MIT and a commentator for the *Post-Newsweek* stations, Washington, D.C.

trying to get me to say that the President doesn't sleep well in the White House, my reply is, he always sleeps well . . . ).

But if the White House was practically opaque in its answers to the questions about the President's mental state, the press was, by and large, frustratingly elliptical in what it was willing to share with its audience. Many news accounts in the period between July, 1973, and January, 1974, engaged in a form of mass non-communications that can only be called psychojournalism. The psychojournalistic style is characterized by blind items, innuendo, murky attribution and the shifting of the burden of discussion onto others. The overall tone raises apprehensions without explicitly confronting them. In fact, after making the President's "mood" a matter of national concern during the last half of 1973, the President's analysts in the press then walked away from their patient.

The most frequent offenders were the two major news magazines. The newsweekly habit of packaging events into dramatic stories led to vivid passages like this *Time* account of Mr. Nixon's visit with the Veterans of Foreign Wars in New Orleans:

He said nothing for a few seconds, as if he were not sure what to do. When he realized it was time to speak, he turned his back to the audience, made an exaggerated, impresario-like bow to the guests on stage, and fairly bounded to the lectern. Occasionally, as he spoke, he slurred his words or mispronounced them. His animated gestures sometimes seemed to be unconnected with his speech.

Or this from *Newsweek's* national affairs department in the issue of Dec. 17, 1973:

Mr. Nixon's introversion and the visible erosion he now shows when he does get out have fed the pervasive gossip around Washington as to whether he is in danger of cracking under the strain. . . . In this atmosphere it was noted, and talked about, that his voice trembled badly when he introduced his new energy man, Simon; that he had difficulty fumbling the caps back onto pens he used at a bill-signing ceremony; that he looked ashy at some of his Operation Candor audiences and thickly made up at others; that, by one account, he drained three highballs in sixteen minutes before a White House dinner last week and chased them with two quick glasses of wine at table.

In the cosmos of the newsweeklies, of course, people usually *bound* rather than *walk*. But to *drain* a glass conveys a quite different meaning than to *drink* or to *sip*. How much of this is writer's hype and how much is reality? And beyond the superheated style, there are the pre-conceptions that the news magazine writer brings to the story; such prose frequently raises the question of whether the writer actually witnessed what was described or was 'improving' on someone else's account. After reading *Time's* account of the VFW appearance, one medical man said to me: "slurred speech, odd motions, missed words . . . They're describing the symptoms of schizophrenia—without saying so!"

The wire services and the newspapers, less committed to the story-as-drama form and the "why" of events, were somewhat less guilty of practicing

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## "The President's press analysts walked away from their patient."

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psychojournalism without a license—though not much less. Many of them seemed possessed of the same mind set about Richard Nixon's putative breakdown. They made do with the daily material at hand. Thus, in New Orleans, when the President gave Ronald Ziegler a shove, it became a page one sensation. The President has lost his temper! A cartoon by Don Wright of the *Miami News* showed Mr. Nixon picking up Ziegler and throwing him at the news people—a visual representation of the hyperbolic prose stories. And in Orlando, Fla., an episode so trivial that pool reporters ignored it becomes another symptom for the psychojournalistic case files: the President first misidentifies an Air Force sergeant ("are you this boy's mother or grandmother?") and then taps the sergeant's face. Suddenly, the story—was it a slap? a resounding slap? did the TV lights temporarily blind the President? or was some deeper force at work?—echoes around the world.



The voice is passive; the language euphemistic; the confrontation with reality never direct. Apparently, the press is scattering clues—it has some suspicions about Richard Nixon's "mental capacities"—but it doesn't have the courage (or the knowledge) to say so. The stories of these episodes hung in mid air, feeding the public fears that something may be wrong. After five months of such locutions, the *New York Times*, in an otherwise well-tuned story, was still using code words:

For some time, Mr. Nixon's health and morale, and the motives behind his words and actions, have been a topic at Washington social gatherings, in conversations on Capitol Hill, in the departments and even in a number of White House offices.

It could be argued, of course, that Richard Nixon's notorious inaccessibility to reporters helped create the conditions under which speculation about his "health and morale" flourishes. The Nixon White House's press relations have made even rudimentary factual reporting extremely difficult. The White House press regulars have been reduced to seeking close-up glimpses of Mr. Nixon in his public appearances and the routine "photo opportunities" arranged for the media before ceremonial meetings. By the testimony of Bonnie Angelo, *Time* magazine's White House correspondent, "We can go for weeks without really seeing him." Nor are the President's men any help. Questions about the President's well-being are effectively stonewalled. When Mr. Nixon entered Bethesda Naval Hospital last July 12, Dr. Walter Tkach, the President's personal physician, was asked by reporters if the President's condition was the result of overwork. The doctor blandly replied: "Anyone can suffer viral pneumonia" (*New York Times*, July 13, 1973). Only much later did

the word get out that Gen. Alexander Haig, the White House Chief of Staff, was telling some people privately that Mr. Nixon had been "coughing blood before going to Bethesda . . ." (*Newsweek*, Dec. 3, 1973). The need to present the President in the best possible light is an accepted part of White House public relations (remember JFK's sunlamp, recall the unwritten rule against photographing FDR in his wheelchair). But the handling of the Nixon "health issue" by both the White House and the press goes deeper into the dark soil of American attitudes about mental health and mental illness.

It is a political truism that no national politician—still, in 1974—can survive with the burden of an emotional illness in his medical history. All of the White House non-comments and opacities become perfectly clear once this is understood. No matter that mental disturbance may be the second most common medical complaint after the common cold in American life. Theodore White observes in his account of the Tom Eagleton episode that "American folklore had not yet learned to separate the degrees and different natures of mental illness." White locates this attitude among older Americans: in the Heartland, away from the sophisticated cities, psychotherapy constitutes a "stigma" too strong to shake. "It is safer for a politician to go to a whorehouse than to see a psychiatrist," Dr. Arnold Hutschnecker told a *Washington Post* reporter last Nov. 20. ". . . I can't be seen within a diameter of the White House. At this time, they would say 'ah ha' . . ." Dr. Hutschnecker is his own best example of his argument. All stories about him—including the *Washington Post's*—meticulously point out that Dr. Hutschnecker had Mr. Nixon as a patient *before* he shifted his practice from internal medicine to psychotherapy in the mid-1950s. (Dr. Hutschnecker's name also came up during the Senate committee hearings on the nomination of Gerald Ford for vice president last fall. As Linda Charlton's excellent account in the *New York Times* explained: "One question kept recurring, from members of both parties, for which no rationale was advanced, and none was immediately apparent. The question, phrased one

—Wide World Photos



Unreliable indicators: two recent but different views of Nixon's "mood."

way or another, concerned allegations that, five or six years ago, Mr. Ford was treated by Dr. Arnold Hutschnecker. . . .")

It is also a fact of life that the national press corps, largely urban, moderately well read, understands more about mental illness than White's Middle America—but not that much more. Once that is accepted, the peculiar metier of psychojournalism also becomes perfectly clear. Senator Eagleton, at the onset of his troubles in 1972, remarked that he hoped to turn personal adversity into a public lesson; he would, he said, use his own case "to educate people about mental illness." The effort was received with some sympathy, initially, by many news people. Some commentators thoughtfully pointed out that a man or

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### *"The journalists' pop knowledge of psychiatry may undermine understanding."*

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woman willing to begin the unsparing self-examination inherent in psychiatric psychotherapy might be a person of both courage and intelligence—and might emerge from the therapy a more "healthy" personality than the leader who grimly refuses to entertain the idea that some form of therapy might, under certain conditions, be of enormous help. But the fact that Eagleton had undergone electroshock treatment was ultimately decisive for the more knowing. Theodore White sums up this "sophisticated" view by observing that a SAC pilot or a nuclear submarine captain would be removed from command with the medical history of a Tom Eagleton. That seemed to close the case.

Eagleton, then, was not so much the victim of innuendo as of the direct assaults of piranha journalism (first identified by the political consultant Ben Wattenberg, who says that the press has the instinct of piranhas—"they will go after anything that bleeds"). President Nixon received another

sort of treatment. In the Eagleton case, after all, there was a tangible record of hospitalization to play against; by Richard Nixon's own testimony, he has never had so much as a headache in all his life. A reasonably "sophisticated" journalist, upon hearing that, would say—as several did—*Ah ha! He's denying it all. He's overly rigid!* In this case, the journalist's pop knowledge of psychiatry may undermine genuine understanding as much as middle America's massive ignorance. A little knowledge can be a dangerous thing.

Still, a large number of White House reporters resisted making such diagnoses. "I don't think I should speculate about the President's mental health," says Ford Rowan, a White House correspondent for Television News (TVN). "That's not my job. If the President does something bizarre, like shoving Ziegler I'll report it, but that's all. . . ." The pressure on the reporters may come from bureau chiefs or editors in New York who believe, apparently, that they are on top of the workings of the human psyche. (One can hear the amateur analysts in the newsroom: "Those rigid personalities really crack after awhile.") One news magazine reporter recalls the queries last November from New York: "They wanted to know what drugs the President was taking . . . what were the dosage levels . . . was he on 'uppers' at the Disney World news conference . . . it was just utter nonsense. . . ."

Saul Pett of the Associated Press wrestled for weeks with an assignment on "the President's mood;" he asked himself: "Am I qualified to do this?" This is perhaps the essential question (his own answer was, *probably not*). Yet, he manfully produced a balanced story, which the AP sent out on its wire on Saturday, Jan. 19). It is difficult to see exactly on what basis the journalist, even the well-schooled journalist, can diagnose personality and behavior, especially in a figure as inaccessible as Richard Nixon. Over the last decade, it is true, a small group of psychiatrists, political scientists and historians have developed lively methods of applying Freudian psychoanalytic principles to such political leaders as de Gaulle, Bismarck and Gandhi. The political scientist James David Barber and the historian Bruce Mazlish have extended the idea to American presidents, including Richard

Nixon. But psychological analysis-at-a-distance remains more an art than a science; the professionals are still debating how to do it—and indeed, whether it can be done responsibly at all. Practiced by journalists, it can be disastrous. For example, perhaps one of the best cases for more frequent televised, live, Nixon news conferences has been made by correspondent Peter Lisagor, who argues that they give the public a chance to see “the demeanor of the President” as the press tests him. Appearances can be deceptive, however, and the interpretation of this “demeanor” is subject to some serious limitations.

First of all, standards of judgment often are subjective. The television networks can let the camera do the psychological reporting for them;

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## “Psychojournalism reflects misconceptions about personality and control.”

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print people have to put it into words. After Mr. Nixon's Oct. 26 news conference, the front page news story in the *New York Times* reported that the President looked “fatigued” while the analysis on the inside pages described him as looking “healthy and vigorous.” Two Associated Press correspondents couldn't agree on the right word either: one thought he looked “cool” . . . the other “out-of-control.” If it seems so difficult to judge outward appearances, what then can be said of inward feelings?

Equally important, Mr. Nixon is still very much the master of his own “demeanor”. Much of the psychojournalism about him reflects basic misconceptions of personality and of emotional control. Perhaps the most common notion—fed by images of Captain Queeg and the courtroom behavior of television characters—is that a witness often “breaks” under heavy pressure or skillful cross-examination. The Long Island newspaper *Newsday*, in fact, ran a long article likening the President's behavior during Watergate to Queeg's

behavior on the *Caine*—accompanied by matching pictures of Richard Nixon and Humphrey Bogart. In life, if not in art, most successful adults who “function” in public have long since worked out ways to handle their private struggles. The neutral word that psychiatrists use for this is “adaptation.”

Those viewers who waited for one of the Watergate witnesses to “crack” under dramatic, hammering questions had a long wait. Similarly, no Perry Mason of the press is about to “break” the President on live television. Yet the notion persisted that just one more blow would crack Mr. Nixon's composure; the picture of the besieged and battered President had been painted so grimly that readers could not be blamed for expecting the man to be carted away momentarily.

Fortunately, a kind of self corrective mechanism has been at work. You can only carry around the sign proclaiming “The End of the World Is at Hand” for so long. Despite all the rumors and gossip-as-news, there is no evidence that Richard Nixon has “cracked”—and ample evidence that he still has his wits about him. Naturally, he is under enormous stress: anyone with The Plumbbers, ITT, Howard Hughes, the Milk Fund, income taxes, San Clemente and Key Biscayne and Bebe Rebozo, and The Missing Tapes on his mind could not help but look ravaged and find it hard to sleep. But when a few newspapers like the *Washington Post* and The *New York Times* finally invited some expert witnesses to offer their opinions, they wrote that no one should expect any sudden or dramatic “breaks” in the Nixon personality (see for example, Bruce Mazlish's article in the *Post*). As the psychiatrist Lester Grinspoon notes: “Contrary to all the talk about crack-ups, there is a great *stability* and *consistency* about Nixon; he has been behaving now exactly the same as in his whole public life. . . .”

As a result of such straightforward psychojournalism by qualified people, the cut-rate brand of diagnoses-at-a-distance has begun to peak a bit. The medical rounds in the news media are over, for a while at least. For now, we all have to face the drearier task of covering the day-to-day business of how the stable, consistent Nixon—the *Old* Nixon—is trying to run the country.





clients have included all those mentioned in this article's first paragraph (except the Forest Service)—plus the NAACP Legal Defense Fund Against Discrimination in Housing and Employment, the Native American Defense Fund, and the Grand Jury Reform Committee, among others. PIC specializes in placing public service advertising (on a much smaller scale than the Ad Council); it has occasionally purchased space for the ads it designs. Few PIC workers draw a salary, no one has a title, and most prefer the description "media resources center" to "advertising agency." "We're interested in propaganda in the best sense of the word," says one of PIC's designers, Dugald Stermer, former art director of *Ramparts*.

PIC doesn't have much faith in the open-mindedness of conventional advertising. "Advertising is an autocratic form," states Jerry Mander, an originator of the PIC idea and former partner in the San Francisco agency of Freeman, Mander and Gossage. "A handful of white, middle-class males are the only ones who can afford to pay for it. We must change the situation, but we can't so long as blacks, chicanos, the poor, women, and political activists do not have the use of the media."

Much of PIC's work is designed for radio and television and it is here that PIC experiences the most difficulty in obtaining approval for its clients and its messages. Often the networks, their owned-and-operated stations, affiliates, and many independent stations regard PIC causes as politically motivated. Such interests, they contend, should be represented only in an editorial format. Also, many PIC messages are polemical. As such they don't meet the accepted definition of a public service announcement, say broadcasters, and can't be aired without granting equal time for rebuttal.

What is that definition? A public service announcement, explains the Federal Communications Commission, is one "for which no charge is made and which promotes programs, activities, or services of federal, state or local governments [recruiting, sale of bonds, etc.] or the programs, activities or services of nonprofit organizations and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements."

The broadcasting community, however, usually refers to a more expansive definition supplied by the Advertising Council. Four of the council's six public service requirements read as follows:

- 1) That the project be non-commercial, non-partisan politically, and not designed to influence legislation.
- 2) That the project be national in scope, or sufficiently national, so that the great bulk of the national media audience has an actual or potential interest.
- 3) That the appeal for support shall be one properly made to Americans generally. The project will not be rejected because it is in the interest of one group if it has wide appeal and national significance.
- 4) That the project be of sufficient seriousness and public importance to justify treatment before the national media audience.

According to PIC, these council guidelines give broadcasters a handy excuse to reject PIC spots—for, say, the Wounded Knee Legal Defense Fund—if they don't agree with the politics, or are simply too timid to air them. PIC claims that all its spots adhere to FCC public service standards. Stations are free to decide for themselves which public service spots to accept or reject. Still Frank Greer, PIC's principal organizer and fundraiser, feels that broadcasters generally share the council's Establishment values, and have indirectly made the council, not the FCC, the arbiter of what qualifies as public service broadcasting.

"The Ad Council is the voice of the people who control the media in America," says Greer. "Broadcasters are hesitant to venture into any campaign if they don't think it would meet the criteria set by the Ad Council." As an example, he cites Project Jonah, an international effort to save whales from extinction. Jonah material didn't make the grade with the networks. "ABC said they do not provide time for public service unless spots are approved by the Ad Council," Greer states.

Greer and the council obviously don't have the same taste in campaigns. "The council's campaign on pollution tells us that people cause pollution, that we should pick up gum wrappers, instead of talking about industrial pollution and corporate

profits. They do a campaign on auto safety and tell us that we're responsible, not the construction of the car, because someone from General Motors is sitting on the council's board of directors. They should be doing the work we're doing."

The council denies that the many corporate chieftains on its board dilute its responsiveness to public need. "It's not true to say that we never criticize industry," says Dean Fritchen, council vice president of media and public relations. "Our pollution ads show smokestacks." As for causes with some controversy to them, Fritchen points to council efforts for Planned Parenthood and its new campaign against venereal disease. He also stresses that the council tries neither to hog public service time nor force its standards on the media. "We don't want a monopoly on this thing," he says. When evaluating potential public service clients, Fritchen says, "we make the judgments for ourselves, not for other people. That's all we're interested in. We don't condemn anybody."

Fritchen does concede that media executives look to the council for guidance. There are several reasons, he feels. Stations want to report public service to the FCC, but they aren't sure about what's expected of them. "Public service is a secondary thing with these people," says Fritchen. "They aren't sure what regulations and standards to follow, so they use ours." Fritchen agrees with PIC's Greer that some broadcasters simply use council guidelines as a copout to brush off unwanted requests.

Still, PIC (and other groups) have had some success in trying to break the public service mold. Half of PIC's operating budget—\$96,000 this year—comes from individuals, the other half from foundations. Including Greer, there are eight paid employees—most of them refugees from the straight ad world—and they are supplemented by volunteers from Antioch College West and the California College of Arts and Crafts. A variety of professionals from San Francisco agencies are also available either at no cost or for nominal fees.

Greer, whose suits and ties stick out in a sea of jeans, is a fast-talking, former Senate page. Like several other PIC staffers, he is a veteran of "Help Unsell the War," a campaign waged by professional advertising people from 1970 to 1972. PIC

staffers write press releases, set up press conferences and advise their clients on how to best publicize their cause. A PIC handbook for the United Farmworkers entitled *Getting the Boycott on TV and Radio for Free* outlines ways to approach station managers and public service directors:

If they [public service directors] seem hesitant at all over the phone, don't press the issue—get an appointment to see them. It is harder for them to say no to your face than over the phone. . . . If the stations don't accept the spots, there are other methods which should be tried. . . . It is important to remember that the determination of what constitutes public service programming is usually up to the stations. There are no hard and fast rules. . . . It is to your advantage to create a rapport with the media.

Greer says that PIC has much more success with local affiliates and independents than with the networks' owned-and-operated stations. One local broadcasting executive reflects this support. Jerry Kay, public affairs director of KFRC radio, an RKO affiliate, feels that PIC has produced "professional quality material." His station, which runs 300 public service announcements per week, recently broadcast several PIC farmworker spots.


"There is nothing in the FCC rules which prevents us from using a controversial public service announcement, so long as we give the other side an opportunity to respond," Kay said in an article that appeared in the *New York Times* last November. Kay is committed to producing and airing community-related public service material and believes that treatments of local problems should be locally produced. He is also skeptical of the Ad Council's work. "Some of their stuff is atrocious," he says. "They present a one-dimensional point of view that tends to do more harm than good."

When the airwaves are not available, PIC turns to print. One of PIC's most successful efforts was in behalf of Medical Aid For Indochina. An ad, written by Bud Arnold, head of the Maxwell Arnold Agency, appealed for funds to rebuild a North Vietnamese hospital destroyed by U.S. bombers just before Christmas in 1972. Medical Aid For Indochina bought space in eight papers, among them the *New York Times*, *Boston Globe* and *San Francisco Chronicle*, and the ad—carrying

the headline, "Our President was angry so the Bach-Mai Hospital in Hanoi was Destroyed"—drew \$500,000.

Other effective PIC campaigns combine print and broadcast, such as the package recently put together for the farmworkers. Materials include two TV spots, 15 radio spots in English and Spanish, a print ad that already has appeared in *Rolling Stone*, *Ramparts* and *Progressive* (the space in

**Justice for Farmworkers—**



**Boycott  
Grapes and Head Lettuce.**

Support the United Farmworkers Union (AFL-CIO)  
4101 - 23rd Street, San Francisco, California 94114 415/863-5613

all three was donated), and a 13-minute slide show. During the first week of the campaign, PIC received responses from 75 radio stations that wanted to run the spots.

Another successful print ad was done for the Delancy Street Foundation, a drug and convict rehabilitation program, which was facing eviction from its headquarters in San Francisco's posh Pacific Heights neighborhood. PIC ran a paid ad in the *Chronicle* and *Examiner* explaining the program and shortly thereafter reporters were sent to cover the story, giving the foundation a bonanza of free publicity, which eventually led to a compromise plan that was considered a victory by the foundation.

PIC doesn't always function this efficiently, however. The organization's casual structure and independent nature have led to missed opportunities and a somewhat less than harmonious attitude among the staff.

Frank Greer points out that PIC participates in the Public Service Directors Association of San Francisco, a group that meets periodically to discuss causes their stations should be airing—a promising opening, it would seem, for the forces from PIC. Greer admits that PIC's attendance at

PSDA meetings has been spotty, and PSDA President Sonny Buxton, public service director of KGO-TV (owned and operated by ABC), says he is only slightly aware of PIC's existence. Buxton does not recall airing any of their material, but says he does remember a directive "months ago" from the ABC headquarters prohibiting his station from airing a PIC spot.

Occasionally PIC staffers have become dissatisfied with themselves. "Last summer we declared a moratorium and began to criticize what we had done, how to improve our track record and how we could best benefit our clients," says Dugald Stermer, who helped to draw up the proposal that won PIC's original seed money. "We were taking a timid role with clients, we had one-shot opportunities and we got too cautious. We had to find out what the client needed, not what they thought they wanted."

Out of this self-examination grew a list of targets and priorities, including the energy crisis, criminal justice, women's rights, and occupational health and safety of the labor force. An ad on energy begins, "It's Not Your Fault." Using a barrage of statistics, PIC hopes to illustrate that the energy crisis was not caused by the American public, but by "long-term mismanagement on the part of the energy industry and government." At least three TV spots, ten radio announcements and ten or eleven print ads are in the planning stages. Assisted by a \$10,000 grant from the Kaplan Foundation, PIC also plans a series of spots on the dangers of nuclear power plants.

The ads' final form has not been determined, since all PIC decisions are made collectively, with everyone supposedly having an equal voice. This decision-making process worries Stermer, who has had extensive advertising experience: "Instinct and technical skills get watered down if we constantly worry about acting like a collection of political terms. Our type of political advertising takes up 100 per cent of a person's energies."

Whatever the case, PIC's work is more important than the internal bickering. "When we first started, there were no role models, and we had to find our own course," Stermer says. That course, rocky and uneven at times, has produced some spectacular results with small resources and great enthusiasm.

## Pensions:

### The FCC's dangerous decision against NBC

If anything, NBC wasn't hard-hitting enough.

BEN H. BAGDIKIAN

■ On May 2, 1973, the National Broadcasting Company won "broadcasting's Pulitzer," the George Foster Peabody Award. The citation read: "*Pensions: The Broken Promise* is broadcast journalism at its best . . . a shining example of constructive and superlative investigative reporting."

That same day the staff of the Federal Communications Commission gave NBC a citation of its own: "*Pensions: The Broken Promise* presented a one-sided documentary that created the impression that injustice and inequity were widespread in the administration of private pension plans. . . ." Even worse, the FCC staff said the documentary appeared to violate the fairness doctrine obligation "for affording reasonable opportunity" to present contrasting views. The commission subsequently gave NBC 20 days to describe what counter-programming it intended to broadcast "on the other side." NBC took the case to the U.S. Circuit Court of Appeals in Washington—and says it will go to the Supreme Court if necessary.

As it stands, the case may be the most important test yet of the role of the government in regulating broadcast journalism. The issues seem clear:

First, how far can the FCC go in telling a broadcaster what he must say on a public issue?

Second, can the FCC force a broadcaster to run a second program with a different point of view—



even if, as in this case, none of the parties involved complained to the FCC?

Third, what measurement can the government use to determine what is fair in investigative reporting?

Fourth, should the government even make such a judgment? Should there be a "fairness doctrine" in broadcasting? Or should reporting on radio and television have the same freedom from government intervention that the printed press has under the First Amendment?

The object of this debate, "*Pensions*," was broadcast from 10 to 11 PM (EDT) on Sept. 12, 1972. It opened with narrator Edwin Newman noting that 25 million Americans are enrolled in private pension plans. He warned that "If experience is any guide, very many of the hopes will prove empty and . . . false."

The documentary then moved through a collection of individual horror stories. A man said he worked for a company for 24 years, became a vice president, and was fired six months before he had enough seniority to qualify for a pension. A woman who worked for A&P for 15 years before her division was shut down said she was let go "with no severance pay, nothing, absolutely out in the street, after 15 years, with nothing."

One segment told of Alan Sorenson, a former executive for a department store chain which assigned him to study company pension rights. His

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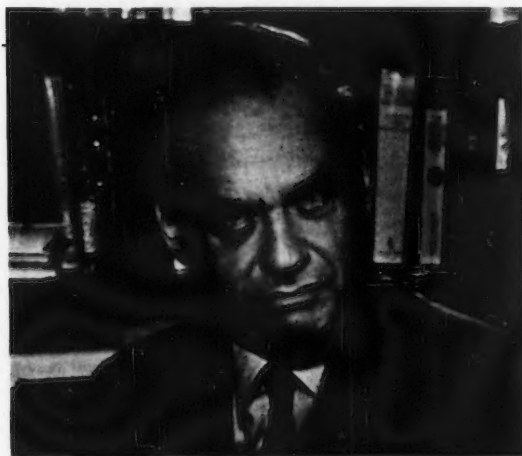


study found that, as a worker gets older, he becomes more expensive to the company because of increasing fringe benefits and pensions. After the study was completed the company fired many older employees, including Sorenson, who had worked there for 22 years. The sequence ended with a shot of Sorenson working as a checkout clerk in a Salt Lake City supermarket.

Another segment told of the pension dealings of Teamsters locals in Chicago. Each local has a non-transferrable pension plan. If a driver or warehouseman moves from one local to another, or changes his job classification within the same firm, he loses his accumulated pension rights.

In one interview, Herbert Denenberg, insurance commissioner of Pennsylvania, said that "Over half the people have nothing at all from pension plans and those that do typically have only a thousand dollars a year or so."

In another, Sen. Richard Schweiker (R-Pa.) said that a study by the Senate Labor Committee of 51 pension plans, covering 6.9 million workers since 1950, showed that 92 per cent of them left their jobs without receiving any pension benefits. He also said the committee heard testimony about "five retired employees at Horn and Hardart, men and women in their 60s and 70s who have worked an average of 40 years or more for the company. Today they are retired and forced to keep working because the company has hit financial difficulties and has had to give up its pension plan." He ended the sequence by reading from a Horn and Hard-



NBC's Newman: "The situation . . . is deplorable."

art pension fund booklet which says, "Happy retirement to you when your turn comes."

Newman himself displayed pension plan folders handed out to employees at an unnamed company. The folders included scenes of men fishing and boating; the copy mentioned leisure and deserved rest. Newman then read the following passage that controls the granting of pensions:

If an employee makes the election provided for in subparagraph 2, of paragraph B of this section 6, his monthly pension is determined under either section 3 or subparagraph 1 of paragraph A of section 4 whichever applies, shall be reduced by the percentage set forth in paragraph C of this section 6 as if the employee has made the election provided for in subparagraph 1 of paragraph B of this section 6 and shall be further reduced actuarially on the basis of the age of the employee and his spouse at the time such election shall become effective.

Newman provided some background information about the size of private pension funds (now totalling \$153 billion, expected to grow to \$250 billion by the end of the 1970s). They are by far the country's largest institutional investors. The funds allow the banks that handle them to influence many major industries; such banks hold more than a ten per cent interest in firms like IBM, Ford, ITT, Westinghouse, TWA, and others.

The documentary suggested that the bitterness of some pensioners might have causes other than the fund policies. Newman says, "It may be that some of them did not save as much money as they might have. The urge to consume in American life is very strong. Also, inflation played its part, and maybe they were careless about what the pension plans they were in actually could do."

And the program included a response from management. Russell Hubbard of the National Association of Manufacturers commented, "It's a question of perspective and balance. When you consider that there are 30 million people covered by the plans, that there are five million people receiving about seven billion dollars in benefits, I think that's a pretty good record." Kenneth Anderson, a Bank of America executive, says in an interview, "You must remember that the corporation has set this plan up voluntarily. . . . These pension plans are a part of a fringe benefit package. Like hospitalization insurance and so forth."

About two minutes later Newman says, "This has been a depressing program to work on. But we don't want to give the impression that there are no good private pension plans. There are many good ones, and there are many people for whom the promise has become reality. That should be said." Eighty seconds later, Newman ends the program, saying: "The situation, as we've seen it, is deplorable. Edwin Newman, NBC News."

Counting the lines of transcript for the program to determine the weight of pro-pension, anti-pension and neutral statements, there is no doubt that the overwhelming emphasis is on the suffering of retired workers over inadequate or lost pensions. About 87 per cent of the documentary dealt with

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## "What is 'balance' in a program on slums or typhoid fever?"

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the inadequacies of pensions, 9 per cent was neutral background information, and 4 per cent defended existing private pensions: the FCC, of course, says it does not like to conduct such a line-by-line content analysis.

NBC started producing "Pensions" on June 30, 1972, eventually shooting 40 hours of film and interviewing 300 people. (Executive producer was Eliot Frankel; producer, David Schmerler.) A rough cut was flown to Reuven Frank (then president of NBC News and now senior executive producer) while he was directing coverage of the political conventions in Miami. The documentary cost \$200,000; the network sold only 2½ of the six minutes available for commercials. It ran against "Marcus Welby, M.D." on ABC, and "The Family Rico," a TV gangster movie, on CBS—and it received only 16 per cent of the total viewing audience, about 15 million people.

"Pensions" came to the FCC via an interesting route. The documentary did not have footage of executives of the criticized companies, and none

of the companies complained to the government. The legal case began with a third party complaint from an organization called Accuracy in Media.

AIM purports to be an impartial, nonpartisan organization dedicated to monitoring the major media purely for general accuracy and fairness. Its complaints, however, almost overwhelmingly are that the media do not carry enough conservative, pro-defense, and pro-military stories.

AIM is not exactly an open organization. It declines to disclose the source of its \$50,000 a year budget. In a report on AIM, the Freedom of Information Center of the University of Missouri said it could find no information about who pays for the group's work; that it grew out of an anti-Communist club; that its executive director is a former instructor in the Defense Intelligence School, and that the chairman of its board is a regular contributor to William F. Buckley Jr.'s *National Review*. Not that any of this means they don't have a right to be heard.\*

The FCC made a major point of supporting AIM's complaint that since legislation to regulate private pension funds was pending in Congress when the program was shown, the documentary supported the need for such legislation—and therefore intensified the need for stations to grant broadcast time to opposing views. NBC had argued that the program was not an overall look at pensions but only at "some problems" of pensions, and that in investigative journalism the whole idea is to emphasize social problems that need remedies. The network cited the statement by Newman and others that not all private pension funds were bad or inadequate.

By applying the fairness doctrine to the documentary, the FCC has raised legal and intellectual problems. The doctrine requires that broadcasters devote time to controversial issues, and provide

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\* In its complaint, AIM committed the kind of selective, self-serving reporting that it claims to criticize. In denigrating the Peabody Award, AIM said that prize was also given to the CBS documentary, "The Selling of the Pentagon," even though "Walter Cronkite himself criticized some of the journalistic abuses of the Peabody-Award-winning program in an interview published in the June, 1973, issue of *Playboy*." That is accurate. Cronkite did say that he didn't defend all of the editing techniques in "Pentagon" that were criticized by the government and others. But AIM did not quote the rest of that same paragraph of the interview in which Cronkite said, "But the government was nitpicking in an effort to destroy the general theme and the impression given by 'The Selling of the Pentagon,' which was fully justified."



After 22 years with a department store chain, this former executive was fired, along with many older workers; he found work as a checkout clerk.

reasonable opportunity for opposing viewpoints. But where problems are investigated, what is "reasonable opportunity for opposing viewpoints?" In a program on slum housing, typhoid fever, or deaths from drug addiction, what are the obligations of the broadcaster to seek out opposing viewpoints—particularly if no one involved complains? At issue here is not "equal time," in which political candidates must be treated equitably, nor the right of reply of persons attacked on the air. At issue under the Fairness Doctrine is "balance"—a vague guideline, which, if interpreted in a simple-minded way, could force journalists to tell people only that one side says X, and another side says Y—or, more likely, say nothing at all.

Until 1962, the FCC did not act on fairness complaints until a station's license came up for renewal every three years; it reasoned that it then could look at the station's long-term performance instead of just at the merits of a single program. In the last ten years, however, the FCC has acted at the time of a complaint. And the complaints have been pouring in. In the mid-sixties, the commission received three or four hundred fairness complaints a year. Recently the number has mushroomed: from 1,689 in 1969 to 2,800 in 1972. (There were more than 10,000 complaints—including equal time and access complaints—in 1973.)

The way the FCC handles complaints makes broadcast journalism precarious at best. The entire staff consists of two lawyers plus a third who spends half his time on other matters, two secretaries and a "broadcast analyst" who reads transcripts. Clearly, it is impossible for such a staff to



—Photos by Thecla

Above, an older worker interviewed by NBC; he now works in a warehouse, having lost his job as a foreman, and his pension rights accumulated during 32 years of work.

handle 10,000 complaints per year, let alone do independent research or think much about the basic issues involved in FCC decisions.

One result of this overload is that the FCC rests its entire judgment on the facts as they are presented by the complainant and the broadcaster. Those complaining may be wrong or unreasonable in their charges, the broadcasters may be misleading or inept in their replies to the commission, but the FCC does not have the facilities to determine the truth independently.

In the "Pensions" case, the FCC agreed with AIM that NBC had "presented a one-sided documentary that created the impression that injustice and inequity were widespread in the administration of private pension plans. . . ."

Yet, from a journalistic viewpoint, NBC's depressing conclusions about pension plans were absolutely correct. The facts, as documented by state and congressional committees and by almost every federal agency that collects data on the subject, indicate that "injustice and inequity" are widespread among private pension plans.

If anything, the documentary did not hit hard enough. It reflected television's natural interest in action footage and human reaction, but it failed to include the overwhelming data that supported its conclusions about pensions. Part of the AIM complaint is that one reported cause of pension failure—companies going out of business—was misleading because this affects only one-tenth of one per cent of all workers covered by pensions each year. It is true that the documentary made a big point of this. But "Pensions" could have quoted President



Nixon's message to Congress on Dec. 8, 1971, on private pension reform, which said "... even one worker whose retirement security is destroyed by termination of a plant is one too many." The documentary might have added that one-tenth of one per cent is a figure equivalent to 32,000 workers per year.

But NBC could have found much stronger ammunition. A 1972 study\* by the Departments of Labor, Treasury, and Health, Education and Welfare found that only half the workers in non-public jobs are covered by pension plans at all—and of those only "an estimated one-third . . . had a vested right in their plan." This means that only one-third of the workers who are covered have any personal control over accumulated pension rights—the other two-thirds will lose their pensions if they change jobs or otherwise become disqualified before they retire.

Indeed most workers today do change jobs too often to qualify for non-vested pensions. The Bureau of Labor Statistics\*\* estimates that most workers will change jobs at least six times before retirement. The BLS also estimates\*\*\* that only 30 per cent of all workers in the 55-to-59 age range have job tenures of 20 years at the same company, and only 13 per cent of workers in that age group have job tenures of 30 years at the same company. So pension plans that require continuous service of 20 or 30 years are of very little use to most workers.

Finally, the rewards are small for the relatively few workers who do qualify for pensions. In defending private pension funds, AIM said that "more than 5 million retired employees are receiving benefits from them to the tune of about \$7 billion a year." If AIM, or NBC, or the FCC (with its two-person complaints staff) had done a little long division, they would have discovered that these figures give the average pensioner a weekly income of \$26.92—or 28 per cent below the poverty line for an individual over 65 years of age, and 43 per cent under the poverty line for a couple over 65.

\* *Coverage and Vesting of Full-Time Employees Under Private Retirement Plans.*

\*\* *Manpower Report No. 8, July, 1963.*

\*\*\* *Monthly Labor Review, September, 1969.*

There is an interesting irony in these figures. In fact, AIM's citation of them in its FCC complaint uses almost the same language spoken by the representative from the National Association of Manufacturers interviewed by NBC. Apparently, the FCC and its staff accepted AIM's accusations uncritically, holding that the documentary's impression of widespread injustice and inequity was incorrect—when only a few telephone calls to the Bureau of the Census or the Bureau of Labor Statistics would have told them that in fact NBC had understated the problem: only half the full-time workers in non-public jobs have any possibility of coverage, two-thirds of these have no vested pension rights, most of these change jobs and lose their rights, and those who qualify receive an average income well below the poverty line.

There is no doubt in my mind that "Pensions" was a good documentary, even if it was not ideal. It dealt with a serious problem, it dramatized it, it warned 15 million viewers to look carefully at their pension plans to see what they will get, and it even ended with a reminder that some plans are well-run and adequate. On the other hand, good reporting, print or broadcast, asks the accused person or company for a response, both for fairness to the subject and for better understanding for the audience. NBC asked some of the named companies to reply, but claims their response did not challenge the facts.

What happens next? Some judges, notably Chief Judge David Bazelon of the court that heard the case, have said in minority views that they believe the fairness doctrine is unconstitutional, that the government should leave broadcasters alone as it is supposed to leave newspapers alone under the First Amendment.

There are problems to this view. There are only three networks, their programming can have powerful effects, and it tends to be similar. Further, the government, because of the technical need to allocate channels, has the right to grant licenses on the basis of who will best serve the public. But the need to allocate channels inevitably puts the government in the business of judging what stations—and, at least indirectly, networks—actually do.

There is no escaping the consequences of this di-



lemma. If the fairness doctrine is constitutional, then viewpoints opposed to a station's own views on issues must be heard. And the federal government holds the power to enforce that balance. If the doctrine is unconstitutional, then the public relinquishes its claim to benefits from the public airwaves and there is no remedy for propaganda and gross unfairness. It is well to remember that in the 1960s, ITT, widely credited with attempts to manipulate media and foreign policy, came within a millimeter of buying the American Broadcasting Company.

The courts will decide if the specific program "Pensions" was unfair, and in so doing perhaps decide if the fairness doctrine itself is constitutional.

But there is no need to wait for a resolution of this constitutional problem to strike a more sensible balance between the competing requirements of a responsible stewardship of public airwaves and greater freedom for broadcast journalism. The FCC, for example, could establish a fairness doctrine requiring only that broadcast journalism not be in reckless disregard of the facts. It should return to its pre-1962 policy of putting complaints against program fairness in a station's file for consideration when the station's license comes up for renewal every three years—not for consideration at that very moment. This would permit judgment on *patterns* of unfairness, and remove the government from making decisions about what is fair on a program-by-program basis.

The impact of the "Pensions" case was felt even before it reached court. On February 7, ABC can-

celed a Dick Cavett show featuring four former defendants in the "Chicago Seven" trial. A spokesman gave this excuse: "ABC, as a broadcast licensee, has an obligation to insure fairness and balance in its programming in accordance with Federal Communications Commission requirements."

The FCC has never said that any one program cannot be one-sided. It has said that, if such a program were presented, the licensee—sometime—must give opposing viewpoints a chance to be heard. But ABC is as conscious of politics as other broadcasters, and killed a program that let radicals speak. It is a clear and present sign of what the "Pensions" decision is doing: it is promoting blandness and increasing the dominance of establishment views. When Cavett had Vice President Ford on his program January 10, the network had no qualms. By ABC's reasoning, presumably, there are other viewpoints to those held by Tom Hayden and Rennie Davis, but nobody in the United States, in the year of our Lord 1974, has viewpoints that differ from those of Gerald Ford and his boss, Richard Nixon. Thus, the "Pensions" decision provides networks and stations with a phony excuse to cover their timidity or dislike of unorthodox views.

"Pensions" was not an ideal program, but it was not reckless or manifestly unfair. If the AIM and FCC judgment is upheld, instead of stimulating robust debate on controversial issues (the stated goal of the fairness doctrine), the judgment threatens to force broadcast journalism to retreat even further from investigating the most urgent problems of society.

## Striking coincidences department

### OFFICE OF INFORMATION SERVICES Florida State University

TALLAHASSEE--Florida State University President Stanley

Marshall today announced the resignation of Larry Jones as head football coach.

Upon accepting the resignation, Marshall said that "since the latter part of the season, and for several weeks afterward, Coach Jones, Athletic Director John Bridgers and I have examined a number of alternatives for strengthening the football program

From the Tallahassee Democrat,  
Dec. 21, 1973, page 1.

Florida State University President Stanley Marshall today announced the resignation of Larry Jones as head football coach.

Upon accepting the resignation, Marshall said that "since the latter part of the season, and for several weeks afterward, Coach Jones, Athletic Director John Bridgers and I have examined a number of alternatives for strengthening the football program and revitalizing the support of alumni and friends. Coach Jones believes that a change in the po-



Drawing by Mort Gerberg © 1972  
—The New Yorker Magazine, Inc.

"That'll be thirty-six dollars and seventy-two cents."

## Towards protecting consumers

Upton Sinclair may still be turning in his grave, but consumer coverage is improving.

FRANCIS POLLOCK

*"You cannot get anything into the newspapers that in any way rubs against the business policy of the banks and department stores . . ."*

—Upton Sinclair, quoting an editor in *The Brass Check* (1919)

It may be unreasonable to blame the messenger for the bad news he delivers, but blame is more reasonable when he withholds delivery. Critics of the press, from Upton Sinclair on, have blamed the news media for failing to deliver news about the latest outrages of the marketplace.

The terms of the accusation are fairly familiar by now: since the news media are dependent on advertising revenues, they cannot deliver the information the public needs to shop wisely.

An examination of current consumer reporting does not completely dispel such charges. Yet there is some dramatic evidence of improvement; perhaps we are on the threshold of a genuine change for the better. Consider some of the following recent developments:

—No less than a dozen papers and stations have

courted the wrath of supermarket advertisers by recently reporting, by store name, the results of laboratory analyses of ground beef. In many instances, the meat was so bad (often containing unacceptable levels of fecal bacteria) that it constituted a health hazard.

—There are now, according to *Media & Consumer*, no fewer than 500 full-time consumer reporters in the nation's news media, a tenfold increase since Consumers Union made its first count in 1970. There are even some consumer editors. One of them, the New York *Times's* Gerald Gold, has been given broad responsibilities for bringing consumer consciousness to the paper's news and specialized sections; this has not gone unnoticed at other major papers and stations.

—The fuel crisis has acted as a catalyst for consumer journalism; today, most news organizations are sharply questioning the major oil companies.

—Some advertisers caught playing fast and loose with the public are getting much rougher treatment from the news media than they might ever have believed possible. Nelson Poynter, publisher of the St. Petersburg *Times* and *Evening Independent*, bounced a \$235,000-a-year advertiser when his reporters discovered that the advertiser,

Francis Pollock is the editor of *Media & Consumer*, a monthly magazine that reports on media coverage of consumer affairs.

an appliance dealer, was not only guilty of bait and switch, but was preying on customers' racial and ethnic sensitivities in the bizarre belief this would increase sales.

—Criticism, once confined almost exclusively to politics, the arts and sports, is expanding to consumer matters, sometimes even including what used to be called the "big three of the kept press:" the food, real estate and travel sections. A group of consumer reporters recently pondered the question of the honesty of newspaper restaurant reviews at the recent Northwestern University conference on consumer journalism. Their conclusion: if the majority of reviews are not yet anything more than *quid-pro-quo*s for advertising, there is still a remarkable upsurge of candor about such matters as food quality, service and cleanliness. Mike Royko of the Chicago *Daily News* has even tackled the beer industry, claiming domestic beer tastes "as if the secret brewing process involved running it through a horse."

The distance that has been traveled can be measured in the remarkable change of attitude toward the work of Ralph Nader. In the mid-1960s, shortly after the publication of *Unsafe at Any Speed*, the Bell McClure Syndicate set out to sell serial rights to newspapers. Reportedly, it received about 800 refusals before a single taker could be found, the Troy (Ohio) *Daily News*, which was hit with an advertising boycott by local auto dealers after running the first installment. As former editor Tom Pew recalls, "You can't sell autos unless you advertise, and all the dealers returned to the paper within several weeks."

And therein may lie an important clue to why consumer-oriented journalism has improved to the extent it has. More and more publishers, ever conscious of the bottom line, are realizing that such journalism can do wonders for reader credibility. The Minneapolis *Star* discovered this in 1971 after printing a series on the quality of ground beef sold in the Twin Cities area. The meat fared so poorly that for a while it was almost impossible to sell a hamburger in Minneapolis; in a readership survey, the *Star* found the series was its best-read and recalled story.

But while the outlook for consumer journalism is unquestionably bright in many respects, for

most papers and stations, it is still "business as usual." Some examples:

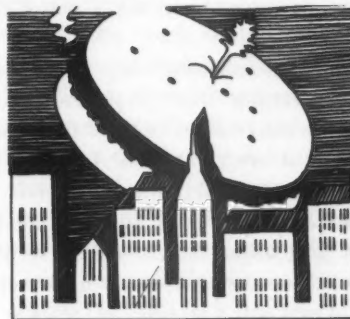
—A Pennsylvania publisher read the riot act to his staff after an innocuous Federal Trade Commission press release on how to buy a new car found its way into his paper. The story said nothing more ferocious than that the consumer should negotiate hard, but the publisher hit the roof. "Businessmen are not our natural enemies," he stormed in a memo to his editor. The message got across effectively. The editor says he now thinks twice before he runs any story dealing with consumer matters—"once about whether the story *should* be run, and once about the business office."

—Another Pennsylvania publisher ordered that no local businesses were to be named in his paper's action line column, although it could continue to cite the *governmental* agencies found falling down on the job.

—One of the nation's most respected editors recently said in private that he can't speak out about consumer journalism because his competitor's ad salesman might use the occasion to convince prospective clients that his paper doesn't offer "the right advertising climate."

(I regret that personal confidences prevent me from naming the above-mentioned editors and publishers.)

—The International Telephone and Telegraph Company, which certainly enjoys no immunity from press criticism about its involvement in the political process, has nevertheless been able to get dozens of gushingly favorable stories about its huge Palm Coast land development in Florida by offering little more than travel and booze to junket-hungry editors and reporters. The corporation's advertising glosses over some potentially



monumental environmental problems—such as the possibility that the water table may not be able to supply more than 100,000 of the nearly three-quarters of a million people scheduled to be living there by the turn of the century. This evasiveness has generated several governmental court actions against ITT. Yet a detailed content analysis of 23 stories emanating from a weekend junket to Palm Coast in March, 1973, revealed that only one, in the St. Petersburg *Times*, pointed out that serious environmental objections had been raised about the development. (The *Times* had paid its own way.) More than half of the rest relied heavily or entirely on the ITT press handouts—without so informing readers.

Deception of the reader, favored treatment for advertisers, distorted news judgments and fear of reprisal are widespread in American journalism, but less so than in the past. In a 1905 *Collier's* article, "The Patent Medicine Conspiracy Against the Freedom of the Press," Mark Sullivan showed how the patent medicine industry had virtually eliminated negative publicity by showering millions of dollars worth of advertising upon newspapers. In return for such income, the papers signed industry-prepared advertising forms in which they agreed not to print any news "detrimental" to the interests of the industry. "The contract of silence," Sullivan called it.

Today, the self-censorship process that has long plagued consumer journalism is still very much in evidence. Often, the self-censorship decision is made unconsciously, a habit built up by years of conditioning, a belief that some kinds of stories are just not run. And where self-censorship doesn't operate, the same result may be produced by a simple failure to think about how certain stories can help consumers make better decisions in the marketplace.

For example, shortweighting, which once was a crime so serious that perpetrators could be placed in the stocks or stripped of their businesses and run out of town, is treated by many present-day editors as if it didn't exist. A few months ago at an American Press Institute seminar on consumer journalism, the city editors of 33 of the largest dailies in the U.S. and Canada were asked if they had ever sent a reporter to the local weights

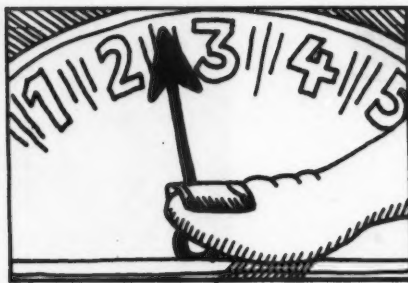
and measures bureau (not if a staff member covered it regularly; only if one had ever been sent there). Not a single editor had made such an assignment. (Only one major newspaper to my knowledge, the *Detroit News*, covers weights and measures with any semblance of regularity.) At perhaps hundreds of papers and stations where editors relish exposing crooked politicians caught with their hands in the till, there's not a moment's thought about exposing supermarket operators who put their thumbs on the scale.

There's hardly a paper or station in the nation that fails to report fluctuations in the prime interest rate, yet one would be hard-pressed to find more than half a dozen that report, by bank name, changes in the rates for mortgages or other consumer loans. When the New York *Times* received a tip a year ago that New York City banks had quietly raised their home mortgage rates from 7 to 7¼ per cent, it had an especially difficult time trying to get the story confirmed or denied. A spokesman for Chemical Bank blithely responded that his institution had "a policy not to announce either rate increases or decreases on consumer-type loans." The business community would not tolerate concealing changes in the prime interest rate, yet the rates on consumer loans can be kept from journalists because so few editors are committed to giving readers this information.

Other failures by the press to cover important consumer matters could fill several pages of *CJR*. What about: suspension decisions by local medical societies (shouldn't consumers be told that a doctor's peers have put him on disciplinary notice for some serious shortcoming in his treatment of patients?); the number of airplane near-misses at the local airport (so consumers might be able to judge the relative safety of their airport and perhaps do something about it if it is not up to par); restaurant health violations (so consumers may exercise their prerogative to stay away from places where the inspectors are always finding rat excreta in the kitchen); suspensions or revocations of the licenses of summer camps and real estate agents; statistics on local school bus safety; auto repair shop violations; and on and on, perhaps *ad infinitum*.

It is often said that the press does do a reason-





ably good job of covering national consumer news, and there is something to this claim. But at the local level there is often a distinct reluctance to follow up national stories that have local relevance (particularly if that relevance involves local merchants). When Rep. Wright Patman reported two years ago that a special survey of 300 of the nation's largest banks showed that over 80 per cent of them were using a highly questionable, if not illegal, method for calculating interest charges on consumer loans, the story appeared in hundreds of papers, according to Patman's office. But a Patman assistant said later that only two papers did local follow-ups naming specific banks.

More often than not, the press shies away from reporting this sort of dubious marketplace practice that falls technically within the prescribed limits of the law. In each of the past four years, the American Press Institute has asked approximately 100 editors and reporters to select and submit examples of their toughest consumer reporting. Almost all the stories submitted have dealt with the dance studios that bilk lonely old people or other fly-by-night operations. While the patently illegal shenanigans of the fly-by-nights are very much a part of consumer journalism, and should be covered by every news organization, so should the comparably pernicious practices that, while legal, are equally unethical. A good example is the "pink light tactic"—displaying meat to unfair advantage under red or pink lights—commonly employed by supermarkets and butchers throughout the country. At last count, only a handful of states and cities defined the practice as deceptive and illegal.

While newspapers rarely cover this sort of deception, much to the detriment of the consumer, extraordinary things can happen when they do. A few years ago, the Miami *Herald* reported that most Florida retailers had adopted the previous balance method of accounting on their charge ac-

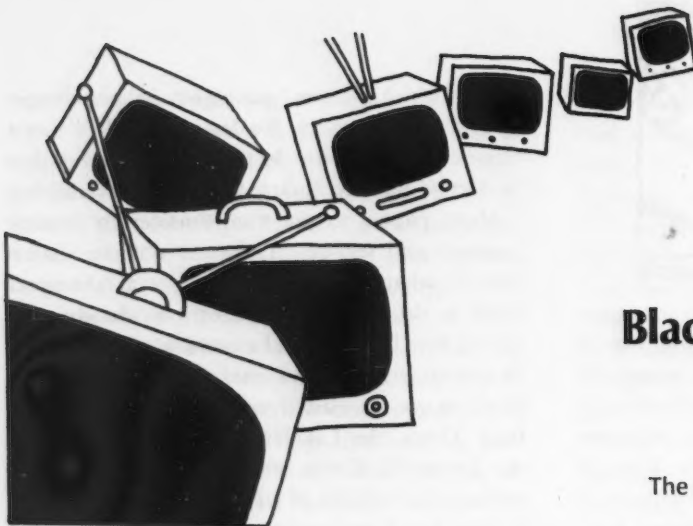
counts (which squeezed out higher finance charges from their customers). No less than half a dozen class-action suits were instituted against retailers by *Herald* readers. Such is the power of publicity.

More papers might also consider evaluating products and services. There are obvious limitations to what a news organization can take upon itself to do, but there are editors already convinced that it is a logical extension of their work to size up products and services their readers are likely to use. At least three papers, the St. Petersburg *Times*, the Lakeland (Florida) *Ledger* and the Louisville *Times*, now regularly publish reports on the validity of ad claims. The Minneapolis *Star* has done comparative evaluations of funeral services, gasolines, hamburgers, savings accounts and even martinis.

Yet another general failure of the press is its unwillingness to encourage greater consumer access. Where is the paper that regularly encourages and runs letters about food matters (and not just generalized complaints about high costs)? There may be as many as a dozen or two that do, but the rest do not. Where are the real estate sections that offer meaningful letters to the editor?

Perhaps the most notable shortcoming in consumer reporting is the failure of so many editors and news directors to realize that consumer journalism is not just another sub-category of news like, say, high school sports or fashions. Most broadly considered, it is an all pervading attitude towards news itself, and as such could permeate every section of the paper and virtually every article. Publishers like Nelson Poynter of the St. Petersburg papers, the Bingham in Louisville and the Cowles in Minneapolis have had this perspective for a long time and have consistently delivered good, often outstanding, consumer products to their readers. In the words of Rance Crain, president of the company that publishes *Advertising Age*: "It's a fiction that advertisers want nice, safe editorial fare that offends no one. They want papers with impact, that readers can react to."

For all the signs of positive change, the weight of the evidence unfortunately suggests it will be a while before the news media generally will be willing to break the inhibitions of the past, and finally lay to rest the ghost of Upton Sinclair.



## Blackout in Lansing

The station's owner banned his 'enemies' from the evening news broadcast.

DAVID ANDERSON

During the Depression his friends recall that Harold F. Gross was often forced to sell last-minute radio spots to pay the monthly rent for his AM station, WJIM in Lansing, Mich. In 1972, his growing media empire—Gross Telecasting, Inc.—netted \$1.2 million in after-tax profits on revenues of \$6.2 million.

There is strong evidence that Gross has, in recent years, ordered news blackouts and news management to aid expansion of his now considerable media holdings (WJIM-AM and FM; WJIM-TV in Lansing, Mich.; the cable franchise in Lansing Township; and a TV station in La Crosse, Wis.). Last year, Gross failed in his third attempt of the past nine years to convince the Lansing City Council that his company should operate the Lansing city cable franchise as well as the township system. But prior to the council's rebuff, present and former employees say Gross had ordered selective news blackouts of Lansing city councilmen who were known to oppose his application.

Larry Carr, a former cameraman for WJIM-TV, says he first learned of the blackout policy when he was sent to shoot footage of a city council meeting in the summer of 1967. When Carr arrived, he was told by reporter William Applegate (now

a reporter for KNXT-TV in Los Angeles) not to shoot any long shots of the city council. As Carr relates the story, "All filming of the city council was done with close-ups of guys who turned out to be in favor of giving Gross the franchise. On one particular night, the policy made me too angry to even shoot. I told Applegate I didn't think this was a news operation and left. The next day I complained to the news director (I can't remember his name because there was such a high attrition rate). The news director told me that 'as far as cable TV goes, Applegate is running the show and those orders come from higher up.'" Carr is not the only cameraman who was told not to film certain city councilmen, but others say they are afraid they will be blacklisted if they come forward. Applegate has hired a lawyer and refuses all comment on the charges of ordering camera blackouts.

Because Gross was not in Lansing very much (he maintains at least two homes outside of Lansing plus a New York City apartment), the blackout policy was not always followed. Lansing city councilman Harold A. Moore, a consistent opponent of Gross's cable bid and station manager for a cable company in East Lansing, "escaped" the blackout long enough to receive coverage on WJIM's early evening news broadcast. Bradley Bate, WJIM news director for nine months in 1969-1970, says

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David Anderson, a former editor of the *Chicago Journalism Review*, is a reporter at the *Detroit Free Press*.



Harold F. Gross

he received a terse memorandum from Gross the next day: "Why is it you persist in putting Harold Moore on our six o'clock news when he is our enemy?"

At other times, the blackout was total. Another opponent of Gross's application, David Buhl, now a commissioner of Ingham County, which includes Lansing, served on the Lansing City Council from 1963 to 1967. So far as he knows, Buhl says, he has *never* appeared on WJIM-TV. And it's not as though Buhl was not a newsmaker. His proposals for health and nutrition clinics for Chicanos living in and around Lansing received bipartisan backing from the city council (and public funds) and received much coverage from the *Lansing State Journal*, the city's newspaper; he was also covered by TV stations in Jackson and Flint. Others back up Buhl's claim of a blackout policy, including cameraman Carr and Walter Sorg, a WJIM reporter.

Other activities by Gross have also been questioned, among them his offer of the use of a color TV set—free of charge—to two city council members. Both offers were refused, one councilwoman calling the offer "very improper." Gross used his on-air editorials to praise his company's ability to operate the cable franchise while at the same time blasting rival applicants and recalcitrant city councilmen. One such editorial was broadcast in 1967 and rambled on for 15 minutes about the merits of Gross Telecasting. There was only one indication, two-thirds of the way through the editorial, that Gross Telecasting was the author of the editorial. Another cable editorial—this in 1971—failed to mention altogether that the editorialist was an applicant for the franchise and stood to benefit financially from a city council action which ruled out other applicants.

Ironically, before eventually losing the franchise, Gross had won it—not once, but *twice*. Gross gave up the franchise the first time in 1967 because he and the council disagreed on financial terms; the second license, awarded to three companies (including Gross Telecasting) was revoked after a fourth company sued and the FCC changed its cable requirements. Late last year, to almost everyone's surprise, the council awarded the franchise not to Gross, but to Continental Cablevision of Boston, Mass.

The council's action may have been prompted by a series of exposés of WJIM-TV, published by the *Detroit Free Press*. David Johnston, a reporter in the *Free Press*'s Lansing bureau, had been approached by a group of Lansing residents, Citizens United for Better Broadcasting (CUBB), who were incensed at Gross's refusal to negotiate their demands for more and better news, more minority hiring, locally produced children's shows and a curtailment of "sexist" advertising. The *Free Press* published Johnston's first WJIM story on Sept. 2. Two days later, Gross reached a 21-point agreement with CUBB. But the damage had been done. On Sept. 23, the FCC announced it was delaying renewal of the WJIM-TV license while it investigated petitions filed by two Lansing residents who charged they had been denied equal time on the station. Two days later, the Lansing ACLU formally asked the FCC to hold public hearings on the license, and followed, on Oct. 15, with a 46-page petition outlining their case.

The *Free Press* articles and the ACLU petition both charge that Gross's blackout policies were not limited to his cable franchise opponents. According to Gross's employees, there were also a large number of public figures blacked out for political reasons. Chief among these was James A. Harrison, the 1968 Democratic candidate for the Sixth Congressional District, which includes Lansing. Harrison, a county school administrator and chairman of the Ingham County Democratic party, was waging an active campaign against the Vietnam war. Harrison says he appeared on or was mentioned by WJIM-TV fairly regularly up until the 1968 Democratic National Convention in Chicago. After that, he said, he was never mentioned. In September of that year, Harrison was told by Walter Sorg, a

WJIM reporter, that a station executive had called him into his office shortly after the convention and told him, "I don't want to see that son-of-a-bitch Harrison on again for the rest of the campaign." Sorg says the quote may not be verbatim in its entirety, but the essence of Harrison's account is accurate. Harrison says he took no action at the time because Sorg told him of the blackout on the condition that Harrison keep the information confidential. Sorg says the word was out that anyone giving publicity to Harrison would be fired and he, Sorg, was duly intimidated. The *Free Press* quoted James (JIM) Gross, Harold's son, denying the Harrison blackout but adding that Harrison's views were "rather extreme for the times."

Although the voters of the Sixth Congressional District (which then coincided almost perfectly with the WJIM viewing area), were denied Harrison's views, it probably had little effect on the outcome of the election. Harrison was defeated by a nearly two-to-one margin.

Another Gross blackout victim was Donald Potter who, in his campaign for councilman in 1963, received the largest plurality in Lansing history. Potter carried every city precinct, a feat which has not been repeated before or since. In 1964, he ran and won election to the Michigan state senate, again by a substantial margin. He lost his seat in 1966 in a bitter four-way primary fight. Potter's coverage by WJIM-TV has apparently included only one sound-on-film shot, his claim of victory in the 1963 city council election. Several former employees and Lansing residents agree that news coverage of Potter has been almost totally absent on WJIM-TV.\*

Blackouts were also used, station employees charge, to prod balky advertisers into paying their bills. A memo sent by Gross to sports director Tim Staudt late in 1972 says: "I heard your story last

night at both 6 and 11 on the Tennis Tournament being conducted at the Lansing Tennis Club. Those people owe us \$1,500 which is a year overdue and are making no effort to pay us. Considering these circumstances, I do not want to give them any publicity on the Club or any of their activities." Staudt says such orders are *not* a blackout. He says he discussed the memo with "management" and the issue was resolved to everyone's satisfaction.

"There was no news blackout," Staudt says. Yet the rest of the tennis tournament was not covered and the winners were not mentioned. Staudt says the decision not to cover the tournament was made because none of the competitors were local people. On the other hand, a former WJIM cameraman notes that he was often sent 50 or 60 miles from Lansing to cover dinner speeches given by WJIM advertisers with no connections to Lansing proper. So much for the local sports angle.

Despite the blackout, WJIM still couldn't collect the debt, which prompted another Gross memo to Staudt, this on April 23, 1973:

"We are still experiencing problems in collecting from the Lansing Tennis Club. They have not kept the promise they made to me several months ago and I want absolutely no coverage or news about their Club until I give you a further okay. You might let Mrs. Schultz know that I am disappointed with her refusal to keep her promise and that unless we receive payment we will take it to court for further action." Gross, through his attorney, has denied ordering blackouts to gain financial advantage. Staudt says he never tried to collect the debt and adds that the club was covered "at least once" after the memos were written.

While the ACLU petition mentions the blackout policy, probably the brief's strongest legal points are charges that Gross lied on his license renewal application—grounds on which the FCC has previously refused to renew licenses. The Lansing ACLU charges, for example, that for the week the FCC chose to examine WJIM-TV, Gross inflated the number of public service announcements by 82 per cent. The petition charges, in addition, that the listing of the number of cars used to gather news was inflated, this according to testimony from station employees.

\* Two years before Potter ran for City Council, he left his job as news director of WJIM-TV (Potter says because he wanted to go to Florida with his father, but others, who refuse to be identified, believe he was fired). Asked if he thought he was the victim of a deliberate blackout policy at WJIM-TV, Potter says, "Once I left the station, I heard a lot of hearsay talk, but there was never anything solid enough to pin down. You can't force a newperson to cover somebody. If I had charged I was being blacked out, the station simply would have claimed a difference in news judgment and written it off to that." Potter says he has talked extensively to FCC investigators about policy at WJIM while he was news director, although he refused to discuss either what he told the investigators or his experience at WJIM with *CJR*.



## A News Blackout?

These copies of memoranda indicate that coverage was ordered withheld from an advertiser who was late in paying bills to WJIM.

WJIM - WJIM-TV	
INTER-OFFICE COMMUNICATION	
December 27 1972	
TO: Tim Staudt	FROM: H. Gross
<p>I heard your story last night at both 6 and 11 on the Tennis Tournament being conducted at the Lansing Tennis Club. These people owe us \$1,500. which is a year overdue and are making no effort to pay us. Considering these circumstances, I do not want to give them any publicity on the Club or any of their activities.</p>	

WJIM - WJIM-TV	
INTER-OFFICE COMMUNICATION	
April 23, 1973	
TO: Tim Staudt	FROM: H. F. Gross
<p>We are still experiencing problems in collecting from the Lansing Tennis Club. They have not kept the promise they made to me several months ago, and I want absolutely no coverage or news about their Club until I give you a further okay. You might let Mrs. Schultz know that I am disappointed with her refusal to keep her promise and that unless we receive payment we will take it to court for further action.</p> <p>HFG:pjw</p> <p>cc: Martha Dixon</p>	

The petition also suggests that WJIM's attempt to survey community views—as the FCC requires—was something less than spectacular. For example, there are more than 26,000 members of the United Auto Workers union in WJIM's broadcast area. But no leaders of organized labor were surveyed on any local issues. Instead, the station queried a Michigan State University trustee who is labor relations director for Oakland University, near Pontiac, outside of the station's broadcast area. WJIM station manager Tom Jones says the station had "regular contact" with James Ramey, a UAW international representative, because Ramey is on the station's public service advisory board. Ramey, however, says, "I attended one meeting about two years ago to make a pitch because we were concerned that they weren't covering the story of

labor. They said they agreed totally that they should do more which, of course, is exactly what you would expect in a public meeting.

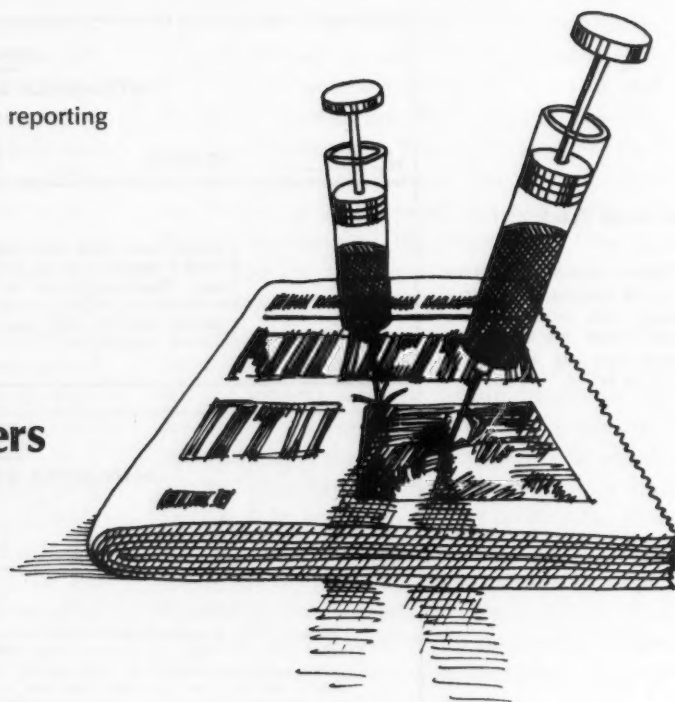
"So far, I haven't seen that they've done anything," he added.

Gross has had little to say publicly since the storm over his license erupted. He refused three requests for interviews by *CJR*. But he hasn't taken it lying down, either. Shortly after the *Free Press* articles appeared, he dispatched his son, James, to ask the Lansing police chief to find the source of the memos leaked to the *Free Press*. Gross provided the police with a list of 25 suspected employees and a detective was sent to take fingerprints and to ask the suspects to submit to polygraph testing. The suspected employees refused and the fingerprinting and lie testing idea was quietly dropped.

Scare headlines are no substitute for reporting on drug policy.

## Drugged newspapers

ROBERT P. BOMBOY



■ Civil commitment. Addict quarantine. Efforts to control "social undesirables." These are some of the policy issues that are currently being debated by officials concerned with drug abuse—but it's not your fault if you've never heard of them. Coverage of drugs and drug problems hasn't really moved from the police blotter to the bureaucracies where policies are made—or to the streets where addicts try to cope. Without denying that drug abuse is a serious problem, it still can be noted that most newspapers fail to render critical, factual and correct analyses of drug-related policies. In fact, most newspapers fail to recognize that such policies exist and fail to think independently about policy alternatives.

Forty years ago, newspaper headlines were saying: "Narcotics Ring Among Police Probed in New York;" "Flood of Dope from Far East;" "Turkish Trade Boycott Urged." Today the headlines say: "Cops Stole \$73M Dope" (*New York Daily News*); "U.S. Losing Drug Smuggling War" (*Washington*

*Post*); "Foes of Heroin Making Inroads" (*Duluth Herald*); "Thousands of Pre-Teens on Heroin" (*New York Post*).

But if the headlines haven't changed, federal drug *policies* have. In the past year there were a number of striking developments. President Nixon and former New York Gov. Nelson Rockefeller called for harsh penalties and mandatory minimum prison sentences to stem the tide of drug use and crime. The White House Special Action Office for Drug Abuse Prevention (SAODAP) hinted at the eventual need to treat and rehabilitate drug addicts without their consent. Federal drug agencies were reorganized, underlining a change of direction in drug policy. In New York, mandatory minimum sentences for drug pushers and users became law. Yet the press was mostly unprepared to deal with these and such other proposals as identification systems and registries for drug addicts, prohibition of bail for drug dealers, involuntary treatment and addict quarantine. It is hard to find any coverage, much less solid analysis, of these policy options in most newspapers. Nor is there much awareness on the part of

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Robert P. Bomboy, a former fellow of the Drug Abuse Council, Inc., is a staff reporter for the *Baltimore News American*.

newspapers that there is considerable debate about strategies for dealing with the "problem." If the press is serious about covering society, something more than scare headlines is needed; questions, skepticism, above all knowledge is necessary because, although the public seldom hears about it, there are those serious students of the drug problem who fear that some of the proposed solutions are worse than the problem they set out to solve.

The press has affected drug policy, but often unwittingly. Over the years politicians and propagandists have used the press to seek support for their particular campaigns against drug use and drug users. Those who make drug abuse policy keep close tabs on how well the press picks up their message. John Bartels, Jr., the head of the new federal Drug Enforcement Administration, reads daily summaries of drug stories from around the country. Harry Anslinger, the near-legendary director of the Federal Bureau of Narcotics, used to paste up scrapbooks of newspaper clippings. Anslinger himself wrote some of the most inflammatory articles.

I studied drug reporting for nine months, surveying drug coverage by the wire services and 30 big city newspapers. The survey was sponsored by the Drug Abuse Council, Inc., a Washington-based private foundation. As I talked with 39 men and women who cover the drug scene, I learned that major newspapers and wire services routinely publish drug agency press releases without further checking. A random example is a UPI story dated Sept. 27, 1973, reporting that the Drug Enforcement Administration had requested restrictions on the drug methaqualone. The UPI story closely follows the wording of the press release, passing along as fact DEA chief Bartels' assertion that in 18 months, methaqualone "resulted in at least 145 suicides and 906 overdose cases as well as numerous suicide attempts and other damaging aftereffects." In my later investigation of the methaqualone story, the DEA was not prepared to document that claim, either in the file accompanying its press release or in its 36-page report asking the Food and Drug Administration to place methaqualone on Schedule II of the Controlled Substances Act. The chief counsel's office at DEA says its report to the FDA is the only documentation to be had.

Journalists who checked the report would have found only *fourteen* documented suicides, eleven in Dade County, Florida, between Oct. 16, 1971, and Nov. 22, 1972, and three in New Jersey between May 1, 1972, and Jan. 31, 1973. Other figures in the report are ill-defined and undocumented. The report ascribes 106 suicides and 2,931 methaqualone poisonings vaguely to "world literature from 1960 until the present date;" 53 suicides and 313 overdoses to "reports within the Bureau of Narcotics and Dangerous Drugs;" and 197 "methaqualone self-poisonings" between Jan. 1, 1971, and May 1, 1972, to the National Clearinghouse for Poison Control Centers. The reporters and newspapers that printed the wire story merely added another "fact" to support the general and unanalyzed fear we feel about drug abuse—a fear that politicians and policy makers play upon.

Public officials don't deny their propaganda function. The *FBI Law Enforcement Bulletin* for October, 1965, proposed steps for dealing with the quite dubiously documented "menace" of glue

**"Oh—At First I Thought That Was Marijuana Smoke!"**



—from Herblock's *State of the Union* (Simon & Schuster, 1972)

sniffing: "We should arouse public opinion . . . Legislation should be passed." Three years later, as the heroin "menace" arose, the speeches of John Ingersoll, director of the newly reorganized Bureau of Narcotics and Dangerous Drugs (BNDD), contained references to the alarming rise of drug use and the need for the public to rouse itself to meet the challenge. The daily press duly reported his message. Perhaps coincidentally, the budget of Ingersoll's agency more than doubled during the next two years, from \$18.5-million in fiscal 1969 to \$41.3-million in fiscal 1971.

Aides in the sixth floor offices of the Drug Enforcement Administration in Washington speak casually of their successes and failures in getting the "message" across. Since 1968 there have been at least five broad "messages" offered by the federal drug agencies: (1) rising drug use requires a massive, federally coordinated law enforcement effort; (2) heroin is a monster drug; (3) heroin addicts account for as much as 60 per cent of the crime in our cities, perhaps more; (4) heroin use has attained epidemic proportions (in 1972, just prior to the presidential campaign, official estimates of the number of heroin addicts jumped from 300,000 to 600,000, based on two BNDD studies); (5) there is an urgent need for closer cooperation between drug treatment agencies and the criminal justice system.

Since 1968, newspaper drug coverage has for the most part reflected these "messages", usually to the exclusion of any other theme. Poorly-handled drug statistics have left the press open to accusations of bad reporting and have exaggerated public estimation of the drug problem and the amount of profit taken from it. Writing in the *New York Post* last April 24, for example, Barry Cunningham multiplied New York City's estimated 200,000 addicts by "an average \$40-a-day habit" and wrote that "muggings cost the public [in New York City] at least \$3-billion annually." The wire services and most newspapers passed along as fact former New York Gov. Nelson Rockefeller's assertion early last year that addicts steal \$6.5-billion worth of goods a year (a figure many times greater than all property reported stolen in New York City, where most of the state's drug users are presumed to reside. Rockefeller's press office says he later lowered the

figure). Exaggerated estimates drawn from federal agencies and local police chiefs have come to stand as *facts* and have been passed along to the public as the true dimensions of the drug problem in the United States. Robert Jones of the *Los Angeles Times* told me he felt frustrated in dealing with official estimates. I asked how he, as a general assignment reporter, handled police estimates of the value of drugs taken in a raid:

JONES: I don't know, if the figure is between fifty and seventy-five thousand, I'll go with the fifty.

Q: Suppose the real value is thirty-five thousand?

JONES: I have no way of finding out. I got a call once, there was a big bust and the police gave me the figure. I got curious about it and asked how they calculated it. The answer was that here in Los Angeles they use the street value and calculate either fifty cents or a dollar a joint. That's a joke. So they were calculating—I forget what it was, something like \$10,000 worth of marijuana. But Jesus, I bet I could have gone out and got that for a hundred bucks. It probably wasn't more than half a key [kilogram]. At that point I objected to using the figure—to the city desk. And the answer was that it probably was inflated, but it was the only figure we had.

What else were we going to do? Were we going to calculate our own figure or not use anything at all, which would take a big element out of the story? You see, if you don't use anything at all, it looks like you did a sloppy job. So you use the police figure, which fills the hole.

Q: What about calling a dealer and asking him, and attributing it to the dealer without naming him?

JONES: I wouldn't know a dealer I could pick up my phone and call. But you're right, it would be possible to develop other methods, of putting a value on drugs.

Historian David Musto notes that it has been very difficult for newsmen to buck the tide of contemporary thinking about drug use. "Newsmen reflect or report what everyone around them is thinking. They are too intimately involved to criticize or evaluate the general assumptions on which society ticks," says Musto. An example is the almost universal belief in the connection between drug use and crime in the city, which Musto and others are re-examining. When newspapers and the public talk about "crime in the streets," they are talking about violent crime. Recent studies at



Harvard, Princeton, Columbia, the Hudson Institute and even the Bureau of Narcotics and Dangerous Drugs have shown that little direct correlation exists between heroin use and violent crime. In Washington, D.C., where officials say heroin use has markedly declined, property crime is increasing. In two studies conducted during 1971, the Chicago Police Department found that only 15 percent of that city's property crimes were committed by former or current heroin users. Yet despite these figures, virtually every newsman I interviewed spoke of high correlations between drug use and crime as "an article of faith." John O'Brien of the *Chicago Tribune* was surprised that such a connection would even be questioned. "I see a substantial link of vital importance, which is increasing," O'Brien stated.

A rare exception was James Markham of the *New York Times*, a reporter who developed a perspective on the drug problem. In an article in the *Times* magazine section headlined "Heroin Hunter May Not a Mugger Make" (Mar. 18, 1973), Markham broke new ground, saying: "The problem is less simple than Governor Rockefeller would have it. If one is serious about doing something about crime—certainly a justifiable concern—one is obliged to focus not on the drugs that only symbolize the problem, but on the social, institutional and individual pathologies that underlie it."

Another "message" uncritically accepted by the press is the belief that the drug problem in the United States is essentially a matter of supply. The belief dates back at least to 1920, if not earlier. Thierry Lemaesquier, who has compiled an analysis of American drug coverage for UNESCO, writes: "This vision is comforted by the mighty efforts advertised by the federal authorities to curtail the production of opium and the opiate trade in countries like Turkey and, more recently, in the 'golden triangle' of Southeast Asia (Laos, Burma, Thailand)."

The Long Island newspaper *Newsday* made a serious effort to trace heroin routes to the United States and to gauge law enforcement's effectiveness

in keeping the drug out. Senior editor Robert W. Greene and his reporting team focused on a key assumption of American drug policy—that the flow of heroin to the United States can be shut off. Greene says, "I think our work may keep the government from selling us the line that they have the heroin traffic under control. They do not have it under control. I also think we pierced the myth that other nations, particularly France, have joined us in a great cooperative effort to crush the heroin trade. The notion that we are making any appreciable dent in the trade is absolute nonsense." Another thing Greene and his associates discovered

was that there is a good deal of nervousness on the part of U.S. officials lest reporters shatter the myths they promote. At one point, Greene received a call from an American embassy official in Paris offering to ease *Newsday's* investigation. In return, the official wanted to look at what Greene's reporters were writing. Greene refused the offer.

By substituting handouts for real reporting, newspapers have failed utterly to report the ongoing

dialogue and exchange of views among experts over current drug policy. Federal drug policy today has two basic objectives: to deprive drug users of drugs and to change their way of living. As a result of strict law enforcement, drug seizures and arrests are said to be at an all-time high. To achieve the second goal—the return of addicts to useful roles in society—Washington is currently spending over a quarter of a billion dollars yearly on treatment and rehabilitation programs.

There are those, however, who argue that the two-pronged drug policy has had some bad side effects. Dissenting voices assert, for example, that drug law enforcement has pitted police against young people and minority groups, has enhanced opportunities for official corruption in precinct houses and courtrooms—and has failed to reduce drug addiction.

One dissenter is Dr. Matthew Dumont, the maverick assistant commissioner of drug rehabilitation in the Massachusetts Department of Mental Health. Though he is not well-known to the



press, Dumont has fought fiercely against drug treatment and rehabilitation policies that could deprive addicts of their civil rights and set precedents for methods of undemocratic social control. He and others, for example, have attacked such drug policy options as addict quarantine, involuntary civil commitment, and federal programs called "Treatment Alternatives to Street Crime" and "Client Oriented Data Acquisition Program."

Massachusetts and several other states have refused to participate in the latter program, which Dr. Dumont believes creates a mechanism for federal monitoring of every patient in treatment for a drug problem in the country. As for civil commitment and addict quarantine, he has written, in an essay titled "The Junkie as Political Enemy:"

The idea of 'heroin camps' or remote island villages filled with committed addicts seemed like a bizarre right-wing fantasy a few years ago. . . . There is greater flexibility and indeterminacy to civil commitment proceedings and they frequently avoid the adversarial protections usually afforded a criminal. But even beyond the potential violations of due process inherent in civil commitment is the more subtle problem of the professionalization of social control.

People are incarcerated in prisons, but civilly committed to treatment programs. When the treatment programs are concerned with issues of custody and security, they function like prisons but maintain the rhetoric and righteousness of hospitals. They develop an institutional press, which calls the individual sick but treats him like a criminal.

Within the past year, public officials in Maryland and elsewhere have proposed schemes for addict quarantine. Dr. Jerome Jaffe, who headed the Special Action Office for Drug Abuse Prevention, claims that pressures within the federal government for a widespread program of involuntary civil commitment of heroin addicts were so strong in 1971-72 that he had to "cut the legs out from under" backers of the plan.

I found that few newsmen across the country even knew about quarantine or civil commitment, much less about the fierce bureaucratic struggle. The federal government and at least 23 states have civil commitment laws on the books. The Cali-

fornia law, passed in 1961, provides for compulsory civil commitment, rehabilitation and supervised aftercare that may last as long as seven years.

The second objective of current drug policy—denying drugs to users—has had some unpleasant side effects as well. The Knapp Commission Report on Police Corruption in New York City documented many of the temptations and illegal drug markets that can accompany large police sweeps for drugs. Newspapers may look upon this misconduct as unique to New York City; they have not wondered whether such practices are inherent in drug prohibition policies.

Because the press so thoroughly accepts the "combat" imagery of the drug policy makers, it has not been sensitive to the dangers of callous treatment and to methods that can abridge due process and addicts' civil rights. There *are* examples of the media responding to infringement of civil rights due to drug abuse policies, but these examples are rare indeed. One such case occurred last April when disguised agents of the Office of Drug Abuse Law Enforcement unlawfully entered white, middle class, suburban homes in Collinsville, Ill. The media soon uncovered unlawful and terrorizing drug raids elsewhere, and momentarily focused public attention on the issue. But the press usually has no enthusiasm for defending the downtrodden when the downtrodden are seen as no more than "dope fiends."

Reporters, by and large, have not attempted to look at treatment and rehabilitation policies *from the addict's point of view*. Brandeis University social researcher Harvey Feldman, among others, warns that "a new coalition of the health system and the criminal justice system is emerging." Within this framework, Feldman says, addiction is defined as a sickness; through the use of criminal sanctions, drug users are channelled involuntarily into treatment in which government control of behavior hides under the title of rehabilitation.

One of the great successes of the half-century of official propagandizing is that white middle-class reporters and editors (who make up 99 per cent of the nation's journalists) have been taught to fear the drug user. I found that the rhetoric which newspaper reporters and editors use to describe drug abuse is pervaded by metaphors of death,

violence, war, and enemies; metaphors that parallel the rhetoric of evil and war in official statements about the drug problem. The rhetoric has had its effect on journalists, too: reporters are fearful of meeting users and addicts face-to-face. As a result, drug reporters have avoided, as a British visitor puts it, "all those who are close enough to know what it is like for real." Robbed of that perspective, how can reporters know what the system looks like from the other side? Outside of a few cities—Philadelphia and Washington, D.C., for example—the daily press has not investigated accusations that drug addicts die needlessly from overdoses because they fear that hospitals will turn them over to the police after treatment. Nor have the nation's newspapers asked whether addicts who do decide to kick their habit receive humane medical detoxification. Few newspapers have bothered to probe treatment programs which, in some instances, practically strip the addict of all patient rights the moment he walks through the door. For example, addicts may find themselves involved in tests of an experimental antagonist drug simply because they fit the profile of a program's research proposal. Many treatment programs have cooperative arrangements with probation and prosecutors' offices that violate traditional doctor-patient confidentiality. To even be admitted in some programs, addicts may be forced to sign blanket consent forms for the future release of information ranging from "progress reports" to urinalysis results. And there are reports of program administrators who encourage the arrest of drug users as a way of ensuring a flow of new patients. "If you look at the consequences of some policies and procedures of treatment," says Attorney Lanse Crane of Yale University, "it makes you a little surprised that there haven't been more constitutional cases brought."

If the media have not investigated such abuses of civil rights, one reason is simply the fact that no one has expended much time in digging out the story. On the other hand, some journalists hold fundamental reservations about the rights due ad-

dicts. As George Killenberg, managing editor, of the St. Louis *Globe-Democrat*, put it: "If drug use or abuse is a substantial factor in the terrible apprehension that people have about their safety in the city, then I think you have to take some drastic steps, just like in any other war." Out of the malaise and frustration that surround the drug question has come a feeling in editorial offices and newsrooms that *something* must be done. Says one former Chicago newsman, "Since papers postulate drug abuse as a vicious, undifferentiated elemental force tearing the fabric of society, anything people do—*anything*—is good and tolerable."



Drug abuse, like alcoholism, is not going to disappear overnight. It will remain a serious social problem for the foreseeable future and—if recent experience is any indication—one particularly susceptible to distortion for political purposes. A thorough, carefully conceived understanding of what the issues are is essential to anyone who wants to write sensibly about the problem. Focusing on national policy rather than on a narrow local perspective might be

one step toward better drug coverage. Another step is the development of some healthy skepticism toward the statistics, statements and policy proposals emanating from all official sources. This is not to say that those officials are conspirators, always devious, or essentially dishonest. But it is vital for newspapers to realize that those in positions of responsibility have their own vested interests, their own blind spots, political motives and weaknesses. To remain in their positions, they will often be tempted to make themselves look good. And when the government is laying out some three-quarters of a billion dollars a year on drug abuse, drug agency bureaucrats have an obvious vested interest in keeping the money coming.

Journalists must also cultivate much wider sources, including drug users themselves. They should not see addicts simply as interesting case histories of the bizarre, but as people whose experience can make them valuable sources of information.

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# Clay Felker's *NEW YORK*

Controversy, innovation, and some mistakes have marked the magazine; after six years, its impact on publishing is undeniable.

A. KENT MacDOUGALL

*There appears to be an almost inexorable life-cycle of American magazines that follows the pattern of humans: a clamorous youth eager to be noticed; vigorous, productive middle-age marked by an easy-to-define editorial line; and a long slow decline, in which efforts at revival are sporadic and tragically doomed.*

When Clay S. Felker wrote that, his own magazine, *New York*, was a sickly juvenile with poor prospects of making it to puberty, much less middle age. Though robust at birth in April, 1968, *New York* nearly was throttled in its crib a month later when a pair of tasteless nude photographs of Viva, Andy Warhol's superstar, appalled subscribers and advertisers and drove them away in droves. Starved for ads, the magazine soon grew as emaciated as Viva herself. By the time Felker's "Life Cycles in the Age of Magazines" appeared in the Spring 1969 *Antioch Review*, *New York* had lost more than \$2 million.

Today, five years later, such childhood traumas

are only an unpleasant memory. *New York* is plump with ads, has a solid circulation of 355,000, and turned a \$425,000 profit last year. On Madison Avenue it is a "hot book." It has printed some of the most-talked-about New Journalism, including Tom Wolfe's "Radical Chic," Gail Sheehy's "Red-pants and Sugarman," and Aaron Latham's "An Evening in the Nude With Gay Talese." The practical advice it gives affluent New Yorkers on how to cope with their city is among the best provided by any newspaper or magazine. And *New York* has won a National Magazine Award for reporting excellence.

But all is not prosperity and respectability. If *New York* has helped popularize the New Journalism, it also has helped discredit it by publishing fiction disguised as fact. If it has provided a showcase for good writing, it also has alienated good writers with callous editing and parsimonious pay policies. If it has encouraged the women's liberation movement, it also has published photographs and articles that feminists denounce as sexist. If it has run many serious, well-documented articles, it also has run many superficial, hyped-up pieces. Along the way it has received two dozen law suits

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charging libel, invasion of privacy and plagiarism.

*New York's* contradictory blend of trendy and trenchant journalism is widely admired and sometimes emulated. "It has made a terrific impression on magazine editing," says John Fink, editor of the *Chicago Tribune Magazine*. "We try to imitate its feeling of pace and surprise, but it's a hard act to follow." Two city magazines, *Philadelphia* and *Boston*, have followed *New York's* lead in listing the annual salaries of hundreds of big shots and little shots in town. And publishers from as far away as Dallas, San Francisco and Tokyo have made pilgrimages to *New York* to learn the secret of starting a successful city magazine. *New York* has also had an impact on newspapers, at least in New York City, where it has partly filled the void left by the death of four dailies since 1963. *New York's* consumer service features have helped spur the *New York Times* to expand such coverage. "It's had a subliminal influence on all of us," says Gerald Gold, *Times* consumer columnist.

For better and worse, *New York* reflects Clay Felker's interests and tastes, fulfilling the generalization he made in his *Antioch Review* article that an "editor strongly shapes his magazine in his own image." *New York* pays considerable attention to politics because politics, besides being important, interests Felker. *New York* devotes its first issue each year to power—who has it and what they do with it—because Felker is intrigued with power, courts powerful people, and cherishes his own growing power. *New York* keeps close watch on the press—it has published ten major articles on the *New York Times* alone—because the press fascinates Felker. *New York* plans to devote more space to business and finance because Felker now manages a business as well as edits a magazine. And *New York* has no plans to add a rock critic to its stable of art, book, drama, movie and classical music critics because Felker doesn't like rock.

"I edit by what interests me," he says. More significantly, "I have created an audience that is more or less interested in the same things I am. The most common statement I hear from readers is that there is at least one thing in each issue to read."

One or two things in each issue is about all Clay Felker expects a reader to read. "People don't set

aside time to read magazines, as they did 50 years ago when they devoted an entire evening to the *Saturday Evening Post*. We're competing for the reader's time with eating, sleeping, making love and reading other publications. We fit into the interstices between television and work. We try to carve out 15 to 30 minutes a week of the reader's time."

Designed to be read in haste, *New York* is perfectly suited to the city's fast pace and to its hard-core readership of young, free-spending upward strivers of both sexes, many of whom, like Felker, live on the fashionable East Side of Manhattan, lead active social lives, and want to keep tabs on what's happening. Conditioned by television to expect entertainment with their information, barraged by commercials and other media messages, these New Yorkers on the make feel right at home with a magazine that makes attention-getting, even hype, part of its style. The style bothers some traditional journalists, but amuses *New York* fans.

The wide acclaim for "Radical Chic" illustrates how readers, even critics, can be diverted into over-



Award Winning: Felker and Sheehy

looking niceties like fairness. In "Radical Chic," which took up most of *New York's* June 8, 1970 issue, pop-sociologist and baroque-stylist Tom Wolfe ridiculed "limousine liberals" who attended a fund-raising affair for the Black Panthers Defense Fund at Leonard Bernstein's Park Avenue apartment. Using brand names ("Pucci dresses, Gucci shoes, Capucci scarves"), belittling dialect ("Otto Preminger speaks up from the sofa down front: 'I geeve a t'ousand dollars!'"), hyperbole, fantasy and just plain bitchy brilliance, Wolfe caricatured the well-off liberals as more interested in amusing themselves by slumming with the latest "pet primitives" than in helping 13 men and women raise bail and get a fair trial (which resulted in their acquittal). The piece smeared the sincere liberals as well as skewering the insincere—but what did that matter if it was fun to read?

*New York* itself has gone slumming half a dozen times—to profile pimps, prostitutes, numbers runners, muggers and assorted other low lives. Exciting action ("Road Runner . . . broke the bottle . . . and drove the bottle into the soft place above his collarbone"), colorful street language ("that black bitch [is] the evilest and sometime-iest woman I ever shacked up with") and vivid descriptions ("she is thin as a needle, tracked in the arms, and urgent around the eyes") make these pieces absorbing reading. Yet, several such pieces have been closer to fiction than non-fiction.

The best known example is "Redpants and Sugarman," a tale of a prostitute and her pimp—not a real prostitute, but a composite character based on Gail Sheehy's interviews with several prostitutes and her own fertile imagination. *New York* readers were not apprised of this, however, and for this the magazine was taken to task by the *Wall Street Journal* in a front page article headlined: BELIEVE IT OR NOT: THE 'NEW JOURNALISM' IS SOMETIMES LESS THAN MEETS THE EYE.

Felker says that Ms. Sheehy explained the composite characterization in a paragraph he deleted because it "slowed down the narrative" and because "I thought it was perfectly apparent one person couldn't do all that reporting. . . . I made a major mistake." Felker showed he had learned from that mistake when he added a disclaimer to another story he published three weeks after the

*Journal's* criticism. That story was on the late comedian Lenny Bruce and the disclaimer warned that "events and details belonging to several different times and places, all within a three-year span, have been combined into the action of a single day in New York City."

Either as fact or fiction, "Redpants and Sugarman" made racy reading. Helen Gurley Brown admired the story so much she reprinted it in *Cosmopolitan*, adding a photograph of models posing as the two title characters. Clay Felker has returned Ms. Brown's compliment a dozen times by running *Cosmo*-style stories on young women and their sex problems. These stories, most written by young women themselves, often escalate confidences from a few friends into major socio-psycho-sexual trends, trivializing and titillating along the way. In "Can Adultery Save Your Marriage?" the writer revealed that half her married friends, "or so it seems . . . are having an affair or have just ended one." "The Rise of the Blue-Collar Lover" promoted "The New Woman and Her Blue-Collar Lover" as "the couple of the year." "The Sensuous Psychiatrists" asked, "Are you sure you want to sleep with your psychotherapist?"

The best-remembered sex-oriented piece is "An Evening in the Nude With Gay Talese." Senior editor Aaron Latham, who wrote it, followed along as Talese, who is researching a book on sex, frolicked at a nudist health club ("Amy reached out and took hold of Gay's penis as calmly as if it had been a pool cue") and reminisced ("Sure, I would have liked to screw my mother"). The notoriety the piece created embarrassed Talese's wife Nan and angered Gay: "It was tasteless, superficial, smirking and irresponsible—peephole journalism



Felker, Bernard, Glaser



Zalaznick

à la *Confidential* 1958," he says. Talese does not dispute the story's accuracy, however, and he made the undignified portrayal possible by inviting Latham to accompany him that evening.

A week after the sensation created last summer by the Talese piece, Latham struck again with a profile of another celebrity—journalist Sally Quinn. Ms. Quinn, whom Latham had known when both reported for the *Washington Post* (Latham's specialty seems to be writing about his friends), had just been hired to co-anchor the "CBS Morning News." The profile concentrated on Ms. Quinn's love life and concocted bloody competition between her and Barbara Walters of the NBC "Today" show. For a cover photo to go with the article (to be headlined "How Would You Like to Wake Up Every Morning With Sally Quinn?") *New York* asked her to pose in men's pajama tops crawling out of a double bed. She balked and a less suggestive cover was substituted.

Vulgar, superficial and trendy stories like these remain part of the *New York* mix. But the magazine no longer deserves the epithets it received in its early days, such as "a tedious collection of pop trivia" (*Newsweek*). The general trend is toward more serious and more responsible journalism. Excesses have become less frequent since the *Wall Street Journal* exposé. There are fewer smartass quotes, such as "You can engrave the entire ethics of the real-estate industry in New York on a flea's behind and still have room for the Lord's Prayer." And *New York* is giving more emphasis to accuracy.

The first of two fact-checkers joined the staff in the summer of 1972 at the time of *New York*'s most disreputable disaster. This was a piece, "The

Alibi That Teddy Overlooked," that showed Chapquiddick connected to Martha's Vineyard by a sand spit. It declared that Senator Edward M. Kennedy should have said he was headed toward the sand spit to drive Mary Jo Kopechne home to Martha's Vineyard at the time of her fatal accident. The trouble with this thesis was that the basis for it was fallacious. "My research was, alas, remiss, and the story is in error," author Jim Roy was forced to admit. "The connecting sand dune apparently did not exist until a good two months after the accident, despite many a native's recollection (those with whom I spoke, anyway) to the contrary. My apologies."

The new fact-checkers provide invaluable backstopping, *New York* contributors say, but they can't catch everything. Just before last autumn's New York City election, the *New York Intelligencer*, a column of media, movie and miscellaneous items, reported that Liberal Party leader Alex Rose had been seen at the annual Alfred E. Smith Memorial Dinner warmly embracing and even kissing Carmine De Sapio, the ex-Tammany Hall boss who served a jail sentence for conspiracy to bribe a water commissioner. The item angered Rose. He denied having attended the dinner or having seen De Sapio in at least 10 years. The *Times* ran a full-column story on the denial. Two weeks later *New York* carried a correction headed "A Case of Mistaken Identity." What the correction omitted was that James Brady, who writes the *New York Intelligencer*, didn't deserve the rap for the mistaken identity. He was no better than his source, and his source was Clay Felker. If Alex Rose didn't attend the Al Smith dinner, Felker did, thought he recognized Rose, with whom he had lunched several months earlier, and furnished the erroneous report.

Despite such lapses, *New York* is carrying more solidly reported, serious pieces. Many of these, it is true, are on dramatic subjects like crime, corruption and war that lend themselves to colorful treatment. And there's no assurance that seriousness will prove any more lasting than any of the half dozen phases *New York* already has passed through. Associate editor Sheldon Zalaznick says there has been no conscious effort to make the magazine more serious. "Maybe the times are more



Dobell



The home office

—Photos by Morris and Ritchie Warman



serious. Watergate and the October War were serious and people wanted to know about them."

*New York* sent a correspondent and an artist to Israel to cover the war and its aftermath from the Israeli vantage point. Predictably, there was no coverage from the Arab side. "That's our readership," explains executive editor Byron Dobell, referring to the lopsided Jewish-to-Arab population of New York City.

*New York* has run more articles on national politics since the 1972 Presidential election campaign and the Watergate scandal. Political reporter Richard Reeves recently set up shop in Washington to keep closer tabs on doings there. One of his pieces, on Senator Henry Jackson's 1976 Presidential prospects, demonstrates that it is no longer necessary to have a direct, immediate local angle in order to get a story in *New York*. Never strictly a city magazine—one in four readers lives outside the New York metropolitan area—*New York* increasingly resembles a news magazine—its designation in catalogues for advertisers.

Increased out-of-town coverage has meant less room for local features, of course. *New York* published five pieces on the Mideast War last fall that focused on interesting events behind the headlines. But the magazine published nothing on the strike that crippled New York City's hospitals. It has managed to continue its fulsome coverage of police and the Mafia. While contributing editor Nicholas Pileggi, a former Associated Press police reporter, was documenting police corruption, contributing editor Robert Daley, a former Police Department public relations officer, was documenting police bravery. *New York* ran no fewer than five excerpts from Daley's *Target Blue*, which propounded the debatable thesis that black revolutionists campaigned to rub out cops. Says executive editor Dobell: "We ran too damn much police stuff last year. It was a coincidence; we just fell into it. This year it may be something else."

If *New York* is looking for something to go overboard on, it might consider the declining job market, smoldering racial tensions, deteriorating public schools, deepening poverty and other economic and social ills besetting the city. *New York* devotes considerable space to the rich and the

powerful, their lives and loves, yet it rarely mentions the poor and powerless, a notable exception being a compassionate account of Bronx slum dwellers excerpted from Herb Goro's book *The Block*. The few stories *New York* has carried on ordinary New Yorkers, such as "Confessions of a Working Stiff" (about an air cargo handler) and "The Old Man in the Bronx" (about a Jewish junk peddler) demonstrate the vast potential. Still, not much is to be expected. Like most slick magazines, *New York* is targeted at an upper middle class audience, the audience advertisers most want to reach, and most such readers seem less than anxious to read about those less fortunate than themselves.

Although only 6 per cent of its subscribers are non-white, *New York* hasn't completely overlooked the city's 33 per cent Black and Puerto Rican population. Two years ago it devoted almost an entire issue to "The City's Latin Soul." Yanquis may have loved it, but some Latins complained the issue caricatured and stereotyped them. Fifty of them demonstrated their displeasure by occupying *New York's* offices one afternoon and, when the magazine got a court injunction barring further sit-ins, a few picketed outside for several days.

*New York* has published several excellent investigative pieces and wants to step up such coverage, despite the expense of the investigations and the risk of incurring libel suits. Contributing editor Michael Kramer exposed questionable financial dealings by Charlie Sandman, unsuccessful Republican candidate for governor of New Jersey last fall. Jack Newfield named "The Ten Worst Judges in New York," one of whom promptly sued for libel. Gail Sheehy traced the ownership of Times Square massage parlors, peep shows and hotels of prostitution in a story, "The Landlords of Hell's Bedroom," that won praise from City Hall and a libel suit from one of the alleged landlords.

Though *New York* would like to see the city cleaned up, it isn't likely to campaign, much less crusade, for it—or anything else. "We're not exactly liberal, though people think we are," Clay Felker explains. "We are pragmatic; we take a middle-of-the-road position." *New York* doesn't publish editorials and the closest it has come to a





campaign are the half-dozen pieces it has run on the need for cheaper, improved mass transit.

The institution Felker is most proud of "tackling" is none other than the *New York Times*. "The *Times* is a major political, economic, social force in New York City and the best newspaper in the United States," he says. However, one wouldn't guess it's the best by reading *New York*. Recent pieces have taken the *Times*' sports department to task for accepting slews of free tickets to sporting events and for using public relations men as

stringers. *Times* managing editor A. M. Rosenthal, who has halted both practices, credits *New York* with bringing them to his attention. But he is less than pleased with several items in the *New York* Intelligencer column—"fantasy pure and simple," he charges. And he claims several major articles on the *Times* have been misleading. One that still rankles is a 1970 piece by Edwin Diamond about a handful of dissatisfied reporters, titled "The Cabal at the 'New York Times': Which Way to the Revolution?" Scoffs Rosenthal: "There was no revolution then and there isn't any revolution now."

Interestingly, even the severest critics of *New York*'s feature articles are fans of its consumer service coverage. The *Times*'s Rosenthal calls the service features "brilliant." According to [MORE], which has usually been unflattering to *New York*, "the practical advice they dispense is the best furnished by any magazine in the country." Few newspapers (at least since *PM*, which pioneered many consumer-protection features) come close.

*New York* has helped readers evaluate the city's hospitals, abortion clinics, nursing homes, private schools and department-store charge plans. It has offered practical advice on finding a psychiatrist, outsmarting car thieves, buying a co-op apartment, renovating a brownstone and shopping for inexpensive protein-rich foods. The "Sales & Bargains" and "Best Bets" columns steer New Yorkers to attractively priced merchandise, while the "Consumer Beware" column warns shoppers of frauds.

*New York*'s taste tests are always fun. Panels of experts have sampled and evaluated pastrami and hero sandwiches, cheesecake, pizza, cuchifritos, beer and wine. Winners have reported booming business; Wurzburger Hofbrau ran out of stock two weeks after winning the beer contest. And losers have proved weepers; Almaden canceled its ads after two of its jug wines were rated "poor."

Considering its general excellence, it may seem carping to point out that some of *New York*'s consumer advice is frivolous and some of it is bad. An example of the bad appeared in "Investment Advice to the Chickenhearted." This article advised readers that "this would seem to be an excellent time to begin to invest in no-load funds," and then recommended five such mutual funds. If a reader had spread \$5,000 evenly over the five funds

when the article appeared last May, he would have had only \$4,437 left by year-end. The 11 per cent drop in the value of his investment would have been nearly double the 6 per cent decline in the Dow Jones industrial average for the period.

An evaluation of New York City yacht basins last summer was of little use to readers without yachts. And a cover story pegged to the energy crisis, "100 Ways to Stay Warm," contained such frivolous advice as 1) "Gain ten pounds if you can afford to, for built-in insulation"; 2) "Play active games: Charades is better than bridge"; and 3) Buy a \$275 mink-upholstered backrest at Bloomingdale's. This last smacks of the "boutique journalism" for which the magazine has occasionally been criticized.

*New York's* tendency to value entertainment over enlightenment was demonstrated last fall when it pulled out of the National Meat Test. Coordinated by *Media & Consumer*, this test studied the quality of hamburger meat in seven cities, detecting fecal bacteria in six of them. *New York*

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## "Not designed to look beautiful, but to convey energy, information."

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planned to participate by testing hamburger meat from 45 supermarkets in New York City, but dropped the project as too complicated and costly. Yet the magazine found the money to send restaurant critic Gael Greene to Europe three times last year, first on a "tummy tour" of Italy, then to try all of France's three-star restaurants, and finally to shed 15 pounds at a Swiss fat farm. Ms. Greene's gushy copy may have entertained gourmets, but an analysis of hamburger meat would have better served New York City housewives.

Horror stories about the city are few and far between in *New York*. "There's no point to saying how noisy, dirty, crime-ridden the city is," explains managing editor Judith Daniels. "The point

of the magazine is that the city is livable—even lovable." Though Ms. Daniels insists the magazine isn't a "mindless booster," upbeat articles like "100 Signs That the City Isn't Dying" suggest it certainly is a booster. *New York* built its 1973 year-end issue around the theme ". . . And Still the Greatest City in the World." The editors expressed themselves as "hopeful about the future, and downright ecstatic about the present."

Being "downright ecstatic" about the city can necessitate transforming symptoms of decay into signs of vitality. Consider the graffiti that deface subway cars and stations throughout the city. Most are eyesores, only a few artistic. *New York* photographed the artistic and awarded them prizes in a spread titled "The Graffiti 'Hit' Parade," telling readers that "if all this turns you off, remember that cave paintings were the graffiti of their time." One turned-off reader wrote to "suggest you follow up your subway vandalism story with an article on the therapeutic benefits of mugging as a form of self-expression. The piece could include interviews with leading muggers in various areas of the city, with an analysis of the finer points of their styles."

Whatever the merits of graffiti, the excellence of *New York's* graphics is beyond dispute. Irreverent drawings, relevant photographs and straightforward layouts make *New York* an inviting magazine to look at and thumb through. Credit for this goes to design director Milton Glaser, whose crucial role in the magazine's success is reflected in his position on the masthead—second only to editor-publisher Felker. Says Glaser: "The magazine is not designed to look beautiful, but to convey a sense of energy, compression, density, information. We want it to be fast-paced like the city, easily accessible, undemanding. We want people to get in and out of it very easily." The catchy, uncluttered "*New York Magazine Look*" has been widely imitated, most closely by the year-old *Texas Monthly*.

*New York* covers are usually sassy and often garish and gimmicky. Glaser excuses less-than-tasteful covers as necessary to attract newsstand browsers. "The object of a cover is to grab a potential reader by the lapels and say, 'Hey, look at this for a second.'" A recent lapel-grabber showed Mayor-elect

Abraham Beame in a Santa Claus hat. The montage photograph was reminiscent of a 1963 *Esquire* cover of heavyweight boxer Sonny Liston as Santa Claus—no surprise considering that *New York* art director Walter Bernard is an *Esquire* alumnus, as are editors Felker, Dobell and Latham.

Sexy covers are among the surest sellers. To illustrate a cover story on ice cream, *New York* posed a blonde holding a vanilla ice cream cone in each hand straight out in front of her; the scoops strategically obscured her bare breasts. For "100 Ways to Keep Warm," a model in red long johns posed on a cold radiator. Though the story didn't suggest it, the most obvious way for her to have kept warm would have been to button up and cover her cleavage.

The National Organization of Women (NOW) presented its 1973 Hypocrite's Award to *New York* "for its many sexist covers and backlash articles against the women's movement." One backlash book excerpt, "My Love Affair with Jackson Pollock," by Ruth Kligman, so irked *New York's* own art critic, Barbara Rose, that she wrote a long

letter, which the magazine printed. In it she said: "I am amazed that *New York*, which has championed the rights of women, published something so insulting to their dignity, portraying women in all the conventional roles sold to them for generations by the likes of *True Story*, whose pulp prose and stereotypes appear to have been Ms. Kligman's model for parlaying a brief affair into a by-line." Another letter writer charged, "*New York*, your commitment to women's liberation is about as deep as a mud puddle after a day in the sun."

Of course, *New York* never really claimed a commitment to women's liberation (or any other cause). It only seemed that way because Gloria Steinem wrote regularly for the magazine until she left to found *Ms.* *New York* helped *Ms.* get started by inserting a 40-page preview issue in its own Dec. 20, 1971, issue. Then it helped finance a solo issue, on which it split the profits.

Other women writers who have made names for themselves at *New York* include Gail Sheehy, Jane O'Reilly, Mimi Sheraton and Gael Greene. Of 34 contributing editors, 13 are women. Judith Daniels

### A most detested critic

TIME calls him "the most poisonous pen on Broadway." A Broadway press agent says "he's compulsively cruel—more an hysteric than a critic." Fellow NEW YORK reviewer Eliot Fremont-Smith says, "Many people read him not to find out what play to see but what latest outrage he's committed."

These are some typical reviews of John Simon, drama reviewer for NEW YORK, scourge of performers, easily the most detested critic in the business—and proud of it. Producers Arthur Cantor and Joseph Papp have denied him reviewer's tickets. Actress Sylvia Miles retaliated for his putdown of her as "one of New York's leading party girls and gate-crashers" by breaking a plate of food over his head at a party. "Now you can call me a plate crasher, too," she said.

Others undoubtedly have dreamed of even sweeter revenge—and little wonder. Of Richard Cox in "Moonchildren," he wrote: There is "no excuse for Cox's slovenly, self-indulgent, and utterly spineless performance . . . this rankest of all amateurs." Of James Earl Jones in "The Iceman Cometh": "His movements combine those of the gibbon and the couch dancer. This salesman couldn't sell a Coke at high noon on the Equator."

Simon is even harder on actresses. He called Hermione Gingold, star of "A Little Night Music," "our leading fag hag, senior division." Of Zoe Caldwell, star of "Colette," he wrote: "Miss Caldwell is fat and unattractive in every part of the face, body and limbs, though I must admit that I have not examined her teeth. When she climactically bares her sprawingly uberous left breast, the sight is almost enough to drive the heterosexual third of the audience screaming into the camp of the majority. Colette had sex appeal; Miss Caldwell has sex repeal."

Simon is anything but apologetic about such excesses. Says he: "I'm proud of being hard on actors and actresses. If it hurts their feelings, tough. They hurt me by their lousy performances. I suffer intensely when I see a good play or part butchered, and I express that hurt. There are insensitive critics who can tolerate Hamlet being turned into a clod. It is agony for me. I am arrogant, and more sensitive than these cloddish reviewers, and it's more of an imposition for me to sit through these horrors. I get even with those sons of bitches for making me sit through trash."

AKM



rose from a \$100-a-week assistant to managing editor in four years. Her secret: "I work like a man."

*New York* writers are allowed considerable freedom of expression. "The *Times* and the news magazines can beat us to the punch, so we have to have better writing and a unique personal vision," says Felker. Such latitude helps make up for rates that are low by slick-magazine standards. The standard rate for a full-length feature article was \$350 for several years, since raised to \$750. Some favored contributors get \$1,000 and more. Exactly how much more *New York* won't say, for fear of alienating less favored writers.

Whatever their pay, writers derive considerable psychic satisfaction from appearing in a magazine that travels the same cocktail party circuits they

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## "We have to be ruthless in order to stay fresh."

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frequent. "I get more feedback from *New York* than any magazine I've written for except the *New York Times Magazine*," says Bob Daley.

Book editors watch *New York* closely for book ideas and authors. At least a dozen books have developed from pieces in *New York*, among them James Kunen's *The Strawberry Statement*, George J. W. ("Adam Smith") Goodman's *The Money Game*, and three by Gail Sheehy: *Panthermania*, *Speed Is of the Essence* and *Hustling*.

That's one of Felker's headaches—losing the services of writers while they are off authoring books. But it isn't the only reason writers stop contributing to *New York*. Of the five contributing editors offered stock in the new magazine in 1968, none is active today. Jerry Goodman is researching a book. Gloria Steinem is busy at *Ms.* Jimmy Breslin and Peter Maas quit in anger in 1971, Breslin claiming he deserved at least as much stock as design director Glaser, both men charging that Felker was publishing too many frivolous pieces

and not enough serious ones. "I left *New York* because it caused me to become gagged by perfume and disheartened by character collapse," Breslin explained in a classic exit line.

The fifth original stock participant was Tom Wolfe. He has contributed nothing substantial since February, 1972, when *New York* printed two articles of his on New Journalism—and rejected a third. Wolfe subsequently rewrote the third piece and sold it to *Esquire*, where it appeared in December, 1972. "It turned out to be the best of the lot," says executive editor Dobell.

Associate editor Zalaznick estimates the magazine rejects 10 per cent to 25 per cent of submissions by contributing editors and more than 50 per cent of all others. Even pieces that are accepted may never get printed. Says Felker: "We write off \$50,000 to \$100,000 a year in pieces we kill. Events overtake them. We have to be ruthless in order to stay fresh."

Some writers take a rejection in stride as just another hazard of free lancing. Others take umbrage. Pete Hamill quit writing a weekly column after only three months because Felker spurned an 8,000-word piece on the 1972 Democratic convention. However, Hamill says he intends to contribute again now that his favorite editor, Jack Nessel, has returned from an extended leave.

Established writers get a \$150 kill fee when a story is rejected. Non-established writers get nothing. The editors decide who is established and who is non-established. When they assigned a profile of McGraw-Hill to Paul Lancaster two years ago, they stamped him non-established even though he had just resigned as feature editor of the *Wall Street Journal* after 16 years there. Lancaster wrote and rewrote the McGraw-Hill profile to associate editor Zalaznick's specifications, but it never ran. "I got what I asked for and I didn't like it," says Zalaznick. As for Lancaster, he got neither a kill fee nor reimbursement for \$118 in expenses.

Lancaster is far from the only unwary free lance who has felt taken advantage of at *New York*. A member of the Society of Magazine Writers complained in the society's April 1973 newsletter: "I've had them [*New York* editors] hold assigned pieces so long they had to be rejected, and reject an idea and then run the precise article months later. I've



heard similar stories from at least four other writers. . . ."

Dan Cordtz, a *Fortune* writer who free lances on the side, says *New York* "appropriated" without payment two of his story ideas, on Caribbean divorce mills and New York Deputy Mayor Edward K. Hamilton, and gave them to other writers. "It's a damn unprofessional outfit," he fumes. "I wouldn't do anything for them again."

Shelly Zalaznick concedes that Paul Lancaster "may have a point," says the Society of Magazine Writers' criticism is "not true," and dismisses Cordtz's complaint as a "bum rap." "We knew about Hamilton before Cordtz suggested his piece," Zalaznick says. And "when Cordtz suggested the Caribbean divorce story, unbeknown to me we had a piece in the works on the same subject; another editor had assigned it."

Zalaznick also defends the magazine against charges of plagiarism brought by Fred Ferretti. Ferretti, a *New York Times* reporter and formerly a frequent contributor to *New York*, filed the suit three years ago. The suit centers on a piece about a Queens school district with racial problems that Ferretti wrote, and rewrote, for *New York*. Ferretti claims that instead of publishing his manuscript, *New York* turned it over to Jimmy Breslin (then still on good terms with the magazine) who used "substantial portions" of it in a piece on the same subject that was published. *New York's* legal defense is that Ferretti was paid for his work and therefore had no property rights to it. Zalaznick's moral defense is that the idea for the story was Breslin's, not Ferretti's, and that Breslin's breezy story bore as little resemblance to Ferretti's "overly detailed" effort as "cheese and chalk." Ferretti, who is pushing ahead with his suit, continues to maintain that "virtually the entire Breslin piece

is a steal from mine." Breslin says Ferretti's charges are "not even worthy of comment. Quote me one line Ferretti ever wrote. How much did his last book sell?"

However many writers *New York* has alienated, it has managed to retain the loyalty of many others. And those who work fulltime for the magazine seem truly fond of it and each other. One thing that keeps writers and editors loyal is Felker's willingness to reverse himself. Robert Daley is grateful that Felker let him do a story on last fall's wine harvest in France. Felker initially approved the story idea, then changed his mind and disapproved it, then changed it again when Daley complained he had made all his travel plans. Says Daley: "He will accept that he was wrong, albeit in bad grace." Byron Dobell's explanation is kinder. "Clay has a zest for other people's enthusiasms. He will give you a chance if you are excited about a story." Says Felker: "A lot of stuff that gets in the magazine irritates and baffles me, but as long as it is accurate and makes a point I will keep printing it. Otherwise you'd squeeze the life out of a publication. Good people wouldn't work for you. It's not possible for a modern publication to be a one-man show."

Yet *New York* comes closer than most magazines to being a one-man show. Felker has stamped his personality on *New York* as surely as Hugh Hefner on *Playboy* or Helen Gurley Brown on *Cosmopolitan*. Many writers think he knows his audience as well as Hefner and Brown know theirs. Some are almost ready to believe he is in some sort of mystical communion with his readers, so prescient does he seem about what they will want to read.

Any contact Felker has with ordinary readers almost has to be psychic rather than physical, for he seldom reads mail addressed to *New York* and he so crowds his days and nights with magazine-related activities that there is little time left for people who aren't connected in some way with the magazine. Felker's professional and personal lives are inextricably intertwined. Twice married and twice divorced, he identifies his "girl friend" as star contributing editor Gail Sheehy. When he isn't spending time with her, Felker can usually be found in his eight-by-eight cubicle at *New York's*



Gael Greene



Aaron Latham

—Wide World

—M. & R. Warman

office, or having a working breakfast, a working lunch or a working dinner with writers, editors and advertisers. Says writer Peter Maas: "Felker can walk into a room with 15 or 20 people at a dinner party and come out with 10 story ideas." Felker comments: "Editing is a relatively natural function for me. It's just living my life."

Felker lives his life in a sumptuous style far beyond the reach of most of his readers. His salary is \$80,000 a year. His East 57th Street co-op apartment is furnished with expensive English and Italian antiques and features a spectacular two-story, balcony-bedecked, 64-foot by 64-foot living

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*"I know it sounds paranoid, but people seem out to get us."*

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room. It is here that he starts his working day by reading manuscripts and having someone in for breakfast. (Several years ago, Paul Wilkes, then a contributing editor, arrived for breakfast only to find that labor lawyer Theodore W. Kheel had just eaten it.)

Felker lists attorney Kheel among his close friends, along with veteran publicist Ben Sonnenberg, TV host David Frost, investment banker Felix Rohatyn, Clare Booth Luce, Washington Post publisher Katharine Graham and New York Post publisher Dorothy Schiff. All share two things with Felker: wealth and power.

Felker is fascinated with wealth and power, especially power, and so it was a natural for *New York* to profile Dorothy Schiff last December. The profile, written by Gail Sheehy, called Mrs. Schiff "the most powerful woman in New York," "an ageless Scheherazade," "the Queen." But it neglected to explore how her newspaper uses or misuses its power or why, for that matter, it prints so little news. It was little wonder the profile was flattering. Mrs. Schiff cooperated on condition she be allowed to review the piece before publication,

to "correct for facts and debate conclusions." Felker says she made only minor changes. "That was a hell of a story," he says. "I'd do it again."

If pre-publication review doesn't disturb Felker, it may be because he himself has demanded the same right. Free lance Susan Braudy says she dropped a profile of Felker for *Cosmopolitan* when he insisted on the right of review. Felker says he doesn't recall the incident. When Felker learned last summer that *Newsweek* was about to publish an unfavorable review of Gail Sheehy's *Hustling*, he says he telephoned *Newsweek's* editor Osborn Elliott and "yelled at him" that the review attacked *New York* as well as the book.

"I know it sounds paranoid," he says, but "people always seem out to get us. We get more goddamn criticism that is totally unfair." He says the *Wall Street Journal* article on New Journalism was unfair. He has so little faith in [MORE]'s fairness that instead of responding to a query from it last December, he had his lawyer notify [MORE] of "appropriate action" if it printed anything defamatory. He thinks that even the Magazine Publishers Association was unfair when, in citing *New York* for the National Magazine Award, it mentioned the magazine's "sometimes uneven" contents. "That was a snide slap," he says. "Who isn't uneven?"

This profile also aroused Felker's suspicions. When informed of the writer's intention to profile *New York*, the thin-skinned editor's reaction was emphatic. "We won't cooperate; you'll only do a hatchet job." He cited two pieces of evidence: The writer had been "insulting" a year earlier when he had spurned an invitation to write for *New York*. And the *Columbia Journalism Review* had been "out to get us" when it criticized Tom Wolfe's legendary putdown of *The New Yorker*. (The two-part putdown appeared in *New York* in 1965 when it was the Sunday supplement of the *New York Herald Tribune*.) A few days after vowing no cooperation, Felker relented. "We will be delighted to talk with you," he said. Later, he barred the writer from conducting interviews at *New York*. "It disturbs me to have someone reporting on the premises," he explained. However, he soon rescinded this decision too, permitting on-premises interviews.

It seems ironic that the editor-publisher of such a successful publication should evince such insecurity. But Clay Felker has reason to feel insecure. He once had his magazine shot from under his feet and narrowly missed that fate a second time. The first time was when the *New York World Journal Tribune*, successor to the *Herald Tribune*, died in 1967. With it went its Sunday supplement *New York* and *New York's* editor, Clay Felker. With \$6,575 of his severance pay, Felker bought the rights to the *New York* name and then spent more than a year rounding up financial backing to revive *New York* as an independent magazine. That arduous task was hardly accomplished and the new magazine

### Viva

A portion of a photo printed in *New York* in 1968.



launched when the Viva disaster struck. It came within an eyelash of wiping out all that Felker had worked so hard to build. It also convinced him that there is no excuse for "armpit journalism," as one wag tagged the nude Viva photos.

Viva left a legacy of extreme caution in publishing anything possibly offensive to prudish readers or advertisers. "Our illustrations are very conservative compared with what's permissible," says design director Glaser. Mate-seeking classified advertisements are rejected, as are ads for feminine hygiene products. "We are more careful than other news magazines," says advertising sales director Peter Van Leight. Obscenities are usually reworded. "Shit" is changed to "crap," for example.

Clay Felker's insecurity is also fed by the memory of the internal power struggle with George A. Hirsch, publisher of *New York* from 1968 to 1971. Hirsch was brought in by Armand G. Erpf, the

Wall Street investment banker who masterminded the magazine's public stock sale and served as its chairman until his death in 1971. Hirsch managed the business side of the magazine while Felker edited it. This dual management arrangement satisfied Hirsch but not Felker. After Erpf died, Felker pressed the board of directors to make him the boss. The directors considered Felker more valuable than Hirsch. "You can have the best business management and it is unimportant unless the editorial product is right," says Alan J. Patricof, Erpf's successor as chairman. Hirsch resigned, leaving Felker in undisputed control.

Felker's insecurity helps explain his caution in expanding his *New York* success into a multi-magazine enterprise. He would like to start new magazines or buy existing ones in order to take advantage of his staff's expertise and the economies of large scale and, of course, to make more money. He hoped that a one-shot spin-off, *Couples*, published last year, would evolve into a quarterly, but the one-shot's disappointing newsstand sales scotched that plan. Last year he concluded an agreement to buy *Los Angeles Magazine*, then decided it wasn't worth the price.

Caution also marks *New York's* editorial product. Besides becoming more serious, the magazine has grown slightly subdued. This bothers Felker. "I try to fight against it," he says. "You've got to have journalistic nerve." And what nervy things has the magazine done lately? Felker reaches for a stack of a dozen recent issues and flips through them. After several minutes' search, he holds up the Nov. 5, 1973 issue. Its cover features a caricature of a worried President Nixon. "That was a very daring cover," he announces triumphantly.

And there you have *New York*. Not quite six years old and already a bit cautious, counting mainly on illustrators to carry the torch of irreverence. Clearly *New York* has passed through the first phase of the life-cycle Clay Felker foresaw for every magazine, the "clamorous youth eager to be noticed," and is well into the "vigorous, productive middle-age" he saw as the second phase. Felker's main worry now should be that growing softness around the magazine's middle not sap its vigor and send it prematurely into the "long slow decline," the third and finally fatal phase.



## Notes on the art

### Why stories make it: A tale of two loans

■ In the minds and hearts of editors and reporters, there is no substitute for a story that possesses glamour and promises glory. Which is why some stories make it, and others do not.

One of the stories that didn't make it last year was a complicated piece of railroad legislation passed by the U.S. Congress, H.R. 9142—or "The Regional Rail Reorganization Act of 1973." Ostensibly, H.R. 9142 is supposed to put the financially prostrate railroads of the Northeast, including the massive Penn Central, back on their feet; in practice, it could turn into nationalization of the railroads.

Either way, it's legislation of immense significance. It involves the government directly in the management of a major industry, with a potential Treasury payout of \$2 billion—and possibly more. It could set a precedent for other big industries that run into trouble—especially industries deemed to be in the "public interest."

The press treated this all rather casually. Back in 1971, for example, Congress passed legislation authorizing the Treasury to guarantee a \$250 million loan to the Lockheed Aircraft Corp. Superficially, at least, the two measures—the one aiding the railroads, the other Lockheed—resembled each other, yet the press managed a curious inversion: the Lockheed legislation received lavish attention, but the railroad measure—worth in dollars nearly ten times as much—was slighted and almost forgotten.

Why, then, did the media treat the two stories so differently?

Superficially, H.R. 9142 lacked most of the essential qualities of a good story. It stirred no great controversy in Congress. Everyone agreed—or almost everyone—that "something" had to be done: six major railroads, with the Penn Central in the middle, were in bankruptcy, threatening to shut down. A shutdown was unthinkable; it would paralyze the economic life of the Northeast and Midwest. Coal could not be shipped to utilities. Major ports, unable to receive or deliver cargo, would cease to function. Automobile plants would close, because the inflow of parts and the outflow of finished cars would stop; other factories would be similarly idled. So Congress set out to prevent the unimaginable: to keep the railroads from stopping. The result was H.R. 9142.

Along the way, of course, there were the customary squabbles over details, but the essential purpose of the legislation was never challenged or questioned. Viewed charitably, H.R. 9142 could be portrayed as a model of rationality. It creates a quasi-government corporation—the Consolidated Rail Corporation—which will acquire the best pieces of the bankrupt railroads. At a potential cost of slightly more than \$2 billion in government money (\$1 billion would be federally-guaranteed loans), the CRC would seek to fuse the six bankrupt railroads into a single, efficient system; after the initial government aid, the CRC is supposed to become self-sustaining, so that it would not turn into a permanent ulcer for the Treasury.

A massive streamlining of the Northeast rail system is envisioned. The bankrupt carriers had many parallel tracks—in effect, they were competing for a volume of freight inadequate to keep them all profitable. The total work force is supposed to be reduced. With money

from the government-guaranteed loans, railroad terminal yards can be modernized, thus speeding deliveries (and thereby making the railroads more competitive with trucks) and cutting operating costs. The creditors of the old bankrupt railroads are supposed to be given stock in the new CRC in return for the rail properties. Newly bolstered by the government's help, the refurbished and profitable railroad can then be returned to the "private sector."

That is the "game plan." Of course, the game plan may not work; in fact, almost everyone intimately familiar with the legislation recognizes that there is a good possibility that it won't. What happens then? No one really knows, but here is one plausible scenario:

The creditors, dubious that the new rail corporation can become profitable and pay dividends, go to court and challenge the constitutionality of the act; they say their property has been condemned without "just compensation." If the courts agree, the federal government would probably be forced to pay "just compensation." No one knows what that is, but it could range between \$2 and \$6 billion. Meanwhile, the railroad—or some of it—must still be kept running; if it can't make a profit (or break even), the government would have to pour in operating subsidies and enough money for minimal capital improvements. No one can honestly guess at those amounts, but several hundred million annually doesn't sound unreasonable.

Against that background, H.R. 9142 is not simply another \$2 billion bill: it is either slow-motion nationalization, or—if it works—a new twist to American "capitalism." In short, a major news story.

Many papers didn't see it that way. Consider, for example, the *New York Times*. The *Times* is always a tempting target for press critics; this is a little unfair, but it's the price the *Times* pays for pre-



eminence. If the *Times* had given the legislation more coverage, other media probably would have followed suit.

Yet, charitably, one might describe the *Times's* coverage as laconic. Between February and December, when the bill was finally passed, the *Times* carried about 30 stories related to the legislation, according to my count. (The *Times's* Washington bureau graciously made their clip file available to me. I checked two files: "Penn Central" and "railroads.") It is not that some *Times* reporters weren't aware of the potential impact of the legislation; on Oct. 7, for example, two stories—one in the *Sunday News of the Week in Review* by Robert Lindsey, the other in the financial section by Robert Bedingfield—indicated that the legislation might be a prelude to nationalization. But, having made those pronouncements, no one apparently thought that such a development deserved careful, intensive reporting. Most of the stories on the rail legislation were relatively short; many ran on the financial page—a sign that the *Times* judged the story to be one of narrow interest. In contrast, the \$250 million Lockheed loan guarantee of 1971 was covered far more extensively. I counted about 100 stories. By themselves, of course, numbers don't prove much, but the disparity does roughly indicate the relative importance the *Times* attached to the two stories.

Part of the *Times's* apparent lethargy has bureaucratic causes. I talked to four members of the *Times* staff: William Robbins, a Washington reporter who did some excellent stories in the early stages of the legislation's history, but then did little more; Robert Bedingfield, a New York financial page reporter who covers the railroad industry; Richard Witkin, the *Times's* transportation editor who is based in New York; and Clifton Daniel, the *Times's* Washington bureau chief. When asked about responsibility for

the railroad story, each mentioned someone else. Generally, the New York men saw it as a Washington story; in Washington, they said it was a specialized subject—which meant New York.

It would be convenient to let the matter lie here: to say that the *Times* reporters should have been more aggressive in pushing the story on their editors—or that the editors should have been more alert in realizing the legislation's underlying significance. After all, some other papers (the *Times's* editorial, if not commercial, rivals) provided more intensive coverage. But, heaping blame exclusively on individual re-



porters or editors tends to obscure some more fundamental reasons for the disparity in treatment of the Lockheed and Penn Central bills.

First, the Washington press often lets politicians decide which issues are important, and which are not. The most striking difference between the congressional history of the Lockheed and the railroad legislation is this: Lockheed blossomed into a major political slugfest (debate in the Senate stretched almost two weeks, and the final vote was 49 to 48); the railroad legislation—despite the presence of Penn Central at its heart—did not become a theme for politicians (debate in each house consumed less than a day, and the final votes were lopsided). Most of the reporting on Lockheed was political, telling

where the politicians stood and what they were doing and saying. But politicians saw Lockheed and the railroads as distinctly different animals. Sen. William Proxmire (D.-Wis.), who led the fight against Lockheed and probably produced the largest amount of critical information on the company, rejects any similarity between the two: "It's like comparing apples and dinosaurs. . . . (The railroad legislation) is entirely different: you had a public utility that's regulated, that is about to collapse and bring down the entire economic life of the Eastern seaboard. The practical case for not going ahead with Lockheed was strong. . . . There was no economic necessity to keep Lockheed going." The railroad mess seemed to leave Congress little choice. "What the hell is the option?" asks Proxmire.

Perhaps there wasn't one. Yet, there were suggestions that the bankrupt railroads be liquidated, allowing other railroads to buy some of the routes. Many routes—presumably those with a great deal of the traffic—are indeed very profitable. Penn Central for example claimed that 80 per cent of its traffic came from about 55 per cent of its track—a statistic which might indicate that even a huge cutback in track wouldn't have the catastrophic economic consequences that many envisioned. This suggestion was never given much serious consideration.

Whatever happens, there will be some genuine hardship, as shippers inevitably lose rail service. But no one seriously questioned whether such hardship might better be handled through temporary adjustment assistance rather than through general support for the railroad system. The railroad legislation did not stir great debate (or enthusiasm) because most politicians knew, instinctively, that whatever they did was not going to win them a great many friends. Even now, there will be cutbacks in service and job losses. So the government appears to be paying more for less—surely, not a

## The ethics of tape-gathering: two views

JOHN D. LOFTON, JR.

■ Should a journalist ever solicit a lawyer to violate his Code of Professional Responsibility? In certain cases, I believe the answer to this question can be yes. But I do not think the case involving CBS News correspondent Fred Graham and Ralph Nader lawyer William Dobrovir is one of these cases.

The role of Graham in the flap created when Dobrovir played one of the subpoenaed presidential tapes at a Georgetown cocktail party has been virtually ignored by the media. I saw only one news account mentioning Graham's involvement in the controversial incident. This was a Dec. 20, 1973, *Washington Post* article by George Lardner, Jr.

The *Post* story reported that Dobrovir had borrowed a couple of tape recorders from Graham, found the quality of the tape "quite poor,"

and made two cassette copies at varying speeds in hopes that one of them might be easier to hear at home on his own hi-fi equipment. Graham was quoted as saying he heard portions of the tapes on an "off-the-record basis" in Dobrovir's office.\*

But in an interview with me, Graham freely admitted that he had done more than merely lend the Nader lawyer some recording equipment. As he explained it—"because I saw the chance to be the first person to put a White House tape on the air"—he proposed lending Dobrovir his recording equipment in exchange for a copy of the tape for broadcast (the offer was made because Dobrovir couldn't play back the tape because of the speed at

\* The tape recording, involving a March 23, 1971, meeting between President Nixon and dairy industry leaders, had been subpoenaed by Dobrovir as evidence in a civil suit challenging the administration's increase in milk price supports.

which it was recorded). Dobrovir refused, saying he first would have to submit the tape as evidence in court. Graham says he persisted, arguing that it would be all right since the tape was not under a protective court order, which is true. But Dobrovir still said no, according to Graham.

If the Nader lawyer agreed to Graham's plan, then he would have violated Canons Seven and Nine of the American Bar Association's Code of Professional Responsibility, and he would have violated the oath he took when he became a member of the District Court Bar in 1960.

Ethical Consideration 7-33 states:

A goal of our legal system is that each party shall have his case, criminal or civil, adjudicated by an impartial tribunal. The attainment of this goal may be defeated by dissemination of news or comments which tend to influence judge or jury. Such news or comment may prevent prospective jurors from being impartial at the outset of the trial and may also interfere with the obligations of jurors to base

## Loans . . .

(Continued from page 49)

position that is very popular.

Without a major debate, Congress also quietly brushed aside some critical questions about the conditions under which the government would get into the rail business. Penn Central, again, claimed that its trains could be run safely and efficiently with a crew of three (instead of the current standard four). On the Penn Central alone, the reduction was estimated to be worth about \$100 million annually; extended to other bankrupt railroads, the savings presumably would be somewhat greater—if the Penn Central's figures are correct. They weren't closely scrutinized, because the whole issue of crew size—along with all the other antiquated industry work rules—was largely forgotten. If

nothing else, this accurately reflected rail labor's power on Capitol Hill. As a result, however, the Consolidated Rail Corporation is facing a very unpleasant dilemma: either it immediately provokes a major fight with labor by raising these issues (the "featherbedding" dispute has been simmering so long that any mention of it in public is bound to create a furor), or it accepts all the existing practices at a huge cost. The higher the cost, of course, the less likely it is that the new corporation will be profitable; if it doesn't make money, it will need permanent government subsidy.

The press's second major liability in covering issues like the railroads stems from the clash between the media's role as Informer and Entertainer. As much as big media organizations—especially the major national newspapers and magazines—like to think of themselves as "serious," most news judgments obviously

contain a strong bias towards the dramatic, the contrived (but interesting), and the odd. That is why political reporting is naturally so popular; it involves permanent conflict, exaggerated emotions, and constant theatrics. We are still suckers for a good circus. Even on issues that seemed as uniformly dry as railroads and Lockheed, the differences existed. The *Times's* Witkin summarized them well: "There had been so much written about the Penn Central and its bankruptcy: it was a subject that's been played out to a large extent, and it didn't have the journalistic sex appeal. . . . Lockheed, by contrast, was a big story because of the C-5A scandal,\* and

\* Lockheed's costs for producing 81 C-5A transport planes were more than \$500 million above budget. Lockheed claimed the government should bear the added expenses; the government charged Lockheed had violated its contract. In early 1971, Lockheed and the Pentagon settled the dispute, with Lockheed accepting a \$200 million loss on the C-5A program.

Lofton



Graham



their verdict solely upon the evidence admitted in the trial. The release by a lawyer of out-of-court statements regarding an anticipated or pending trial may improperly affect the impartiality of the tribunal. For these reasons, standards for permissible and prohibited conduct of a lawyer with respect to trial publicity have been established.

Section G of the Disciplinary Rules of Canon Seven also relates to trial publicity stating: "A lawyer or law firm associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation

from or reference to public records, that a reasonable person would expect to be disseminated by means of public communication and that relates to: (1) evidence regarding the occurrence or transaction involved."

Canon Nine of the ABA's code states: "A lawyer should avoid even the appearance of professional impropriety."

When Dobrovir became a member of the District Court Bar on June 13, 1960, he took an oath swearing, among other things, to demean himself "uprightly." Thus, clearly, had Dobrovir given Graham a copy of the presidential tape for broadcast prior to it being submitted as evidence in court, he would have been violating Canons Seven and Nine and his District Court Bar oath.

When I asked Graham—himself a lawyer—about these things, he replied that what I was saying was only my opinion. When I asked him if he disagreed, he said "I don't think I should comment one way or the other."

When I asked Graham if he was familiar with the ABA's canons, he said yes, he was, but they had changed since he practiced as an attorney. Graham insisted, however, that what he had done and attempted to do was "legal, proper and ethical" and that to put it in any other context would "not be honest or fair."

I disagree. In an interview on March 25 last year in the *Washington Post*, Walter Lippmann said "that very often troubles of the press come from a commercialized desire to get scoops, to be the first to print the news." This desire, said Lippmann, "is corrupting the whole journalistic process." In my opinion, Fred Graham's request to Dobrovir is an example of what Walter Lippmann was talking about.

*(Fred Graham replies on page 52.)*

John D. Lofton, Jr., is the former editor of the Republican National Committee's publication, *Monday*, and now writes a nationally syndicated newspaper column for United Features.

you also had the added appeal of John Connally (who was Secretary of the Treasury and the major strategist for the Lockheed bill). . . . The railroads were a freight problem, not a passenger problem. Readership isn't as interested in freight. Not as many people ride trains as planes." Granted, freight lacks glamour. But so did "energy," agriculture, and pollution.

The press's last great liability is its ingrained trendiness. Customarily, this is justified in the name of the Reader: editors will claim they simply try to cater to readers' insistent desire to know more about the NOW story, whether it be Watergate or the Mideast war. This is a pat explanation, and it obviously contains much truth. But there is more to it than that. Who has worked on a major newspaper for more than a few months without having witnessed what happens when a major news story develops? There

is a ferocious scramble among reporters—especially the top reporters—to get a piece of the story. Latent jealousies, rivalries, and honest differences of opinion all quickly burst out into the open. Everyone wants to be involved; those who aren't feel left out and angry. The result, of course, is journalism, but not necessarily good journalism. There will be two, four, or ten stories on the same subject. Sometimes they complement each other; often they do not. They simply recycle much of the same information, exposing increasingly unimportant—and, frequently, uninteresting—trivia. The law of diminishing returns sets in.

All this relates to the railroad legislation. Watergate and "energy"—to name but two of last year's key stories—naturally took top billing. Interestingly, both stories suffered from the press's cold shoulder in their critical stages: the Wash-

ington *Post*, virtually alone, stayed after Watergate; the "energy crisis" has been brewing for years, but has received major press attention only in the last several months. In the ensuing avalanche of coverage, however, other developing stories—like the railroads—may have been buried and forgotten.

"News is relative. . . . It's hard to judge whether a story was underwritten or overwritten when they're two years apart," Daniel said of the contrast between Lockheed and Penn Central. "We always look for what is most compelling." The problem is making what is inherently important—no easy question in itself—also compelling. And that, unfortunately, is much easier said than done.

**ROBERT J. SAMUELSON**

Robert J. Samuelson, a Washington freelance writer, reports regularly on economics for the *Sunday Times* of London.



## Fred Graham replies

■ John Lofton's complaint against me reminds me of the Tennessee politician who charged that his opponent was "up there in Washington committing nepotism with his own daughter." It's true, I was up there in Washington doing what reporters do—but quoting long and irrelevant passages from the Bar Association's Code of Professional Responsibility doesn't make it wrong.

The two long quotes about prejudicial publicity are rules designed to discourage lawyers from making prejudicial statements to the press that might make it difficult for a judge or a jury to decide the case on the basis of the evidence. That has nothing to do with my request to Dobrovir, which was for a copy of the very evidence that was to go before the judge—not a prejudicial statement or comment that might have influenced the judge's decision.

Canon Nine, the legal profession's prohibition against "the appearance of professional impropriety," is not interpreted by the profession to be the catch-all provision that Lofton seems to think it is. He apparently fell victim to the layman's tendency to believe that words, when written by lawyers, always mean what they seem to say. But as the small print under Canon Nine explains: "On occasion, ethical conduct of a lawyer may appear to laymen to be unethical." The reason is that the courts have declared unconstitutional such vague prohibitions as an "impropriety" on the ground that they do not inform persons in advance what conduct is forbidden. Thus Canon Nine's "Ethical Considerations" and "Disciplinary Rules" spell out the types of conduct that the Canon is meant to forbid—such as conflicts of interest, mishandling of clients' funds, and implying that one can influence a judge. Giving information to the press is not listed as a form of impropriety.

As for Mr. Dobrovir's oath of office, the last thing in the world I would want to have on my con-

science would be to undermine an attorney's uprightness. I asked him to let me have a duplicate of the tape, to hold until he filed it as evidence in court. It had been released to him by the judge without any restriction, and he and I concluded that it would be legal and proper to make it public after it was filed as evidence. I confess I did suggest that he file the tape at 4:30 some afternoon, just before the courthouse closed. Then I could play the tape all that evening on CBS, while Carl Stern (of NBC News) and David Shoumacker (of ABC News) ate their hearts out (if any).

I was making progress when Dobrovir's phone rang: it was Stern, making his own pitch for the tape. Then about a half-dozen other reporters called with the same idea, and Dobrovir concluded there would be a press riot if he let me have it before my colleagues did.

My associate, Marty Plissner, and I had heard about 30 minutes of the tape, and we promised not to disclose any part of it until it was filed in court. In accordance with journalists' ethics, we kept that promise. We had no idea that he was going to play the tape later at a cocktail party—especially one where ABC was represented, but not CBS.

The reason why it's silly to say I tried to get Dobrovir to violate his profession's code of ethics is that I wanted to play the tape on the air. I would have reported where I got it. Obviously, I wouldn't expect a man I had never met before to give me something that would get him disbarred. My basic assumption was that I wanted it if Dobrovir could properly give it to me.

In any case, why should a journalist agonize over the legal code of ethics before he asks a lawyer for information? That could produce the worst kind of self-censorship. For one thing, the legal profession's Code of Professional Responsibility is vague, confusing, and frequently ignored by lawyers. Take Canon

Seven's section G which, as Lofton points out, forbids lawyers to make any comment on a pending civil case except a reference to the public record. To my mind, that's an unconstitutional infringement of a lawyer's freedom to discuss matters of public interest in a responsible way, and the only reason the legal profession manages to live with it is that it is violated every day. Take, for instance, the recent civil proceeding before Judge John Sirica on the matter of the White House tapes. Each day, my colleagues and I would accost the lawyers outside the court house and solicit them to violate Canon Seven, section G. And did Archibald Cox, Leon Jaworski, Fred Buzhardt, Charles Wright and Leonard Garment limit their remarks to "a quotation from or reference to public records?" If they had, it would not have just made them and their profession look ridiculous, it would have been a disservice to their clients and to the public. So they did what first-rate lawyers usually do in such cases. They ignored the Canon and commented in a way that informed the public and presented their points of view in a responsible way.

The point is that ethics of the legal world are very subtle, and lawyers are the first to admit that the Code of Professional Responsibility is a slippery guide. The real problem is not that impressionable attorneys are too often nudged into un-uprightness by the devious press, but that lawyers tend to play it safe by refusing to say anything—even to the detriment of their clients' interest and the public good. Lawyers are a sophisticated breed, and their work is frequently the public's business. So the last thing journalists should do is fret about the niceties of the lawyers' ethical code when it's hard enough already to get them to give the public the facts.

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Fred Graham is legal correspondent for CBS News.



## The selling of a dead president

ROBERT SHERROD

PLAIN SPEAKING: AN ORAL BIOGRAPHY OF HARRY S. TRUMAN. By Merle Miller. Berkley Publishing Corporation; distributed by G. P. Putnam's Sons. \$8.95.

■ Thirteen years ago David Susskind undertook to produce a TV series about living history in the person of Harry S. Truman, then a precarious 77 years old. Mr. Truman eagerly agreed to narrate the series, which would be mostly about his own White House tenure. Mr. Susskind as producer assembled the necessary crews and staff, including, as writer and "general organizer," Merle Miller, a novelist (*That Winter, A Gay and Melancholy Sound*) who says (in another book, *Only You, Dick Daring!*) he was promised he would become not only rich, but also "the Boswell of television."

Susskind's Talent Associates put together two pilot films, but the TV networks displayed a monumental lack of interest: "Who cares? That old man?" Susskind bowed out, writing off a \$200,000 loss (the figure is Miller's).

But all was not lost to posterity. Merle Miller's friend, Robert Alan Aurthur, whom Susskind designated as producer midway in his venture, wrote two long articles for *Esquire* in 1971, "The Wit and Sass of Harry S. Truman" and "Harry Truman Chuckles Dryly." And now Miller himself has made a 432-page "oral biography" out of his conversations with former President Truman and his friends. Nor was the TV project barren: Susskind, upon taking leave, sold his interest to Screen Gems, which started over and produced a 26-part series with and about Mr. Truman called *Conflict*. It reached TV screens in 1964-65. Curiously, neither Aurthur nor Miller mentions that Screen Gems completed the job they had started.

*Plain Speaking* evidently takes its title from something Mary McGrory wrote several years ago, which Mr. Miller quotes: "Since Harry Truman left town almost nobody has spoken his mind. Mr.

Robert Sherrod covered the 1950 Truman-MacArthur meeting as a *Time* reporter. He is a military historian.



Wide World Photos

Truman took the tradition of plain speaking back to Missouri with him." Miller adds: "During the summer of Watergate, there is a special kind of purity in what he has to say."

Miller assured purity by stopping short of asking the tough question. Take the decision to drop the bomb on Hiroshima and Nagasaki. At one point, Miller, desperately trying to wake up the networks, proposed that Truman visit Hiroshima and "speak to the children." According to both Miller and Aurthur, the former president blinked, and finally said, "I'll go to Japan but I won't kiss their ass." Says Miller: "Unhappily we never got a chance to find out what he meant." End of questioning about the bomb.

Miller's choicest morsels, which made news last November, three months before the book's publication, concerned Douglas MacArthur and Dwight Eisenhower. Let us examine these tidbits:

Truman and MacArthur had a famous mid-Pacific meeting at Wake Island on Oct. 15, 1950, during the Korean war, the President flying in from the east, the General from the west. According to what Truman told Miller, the two planes circled the Wake airfield, each determined that he wouldn't land first (which would entail having to greet the other). Truman: "I knew what he was trying to pull . . . I made it quite clear that he was to go in first, and he did."

The only trouble with this story is that MacArthur had arrived the afternoon before, about twelve hours before Truman. Miller could have verified this by reading the dispatches of the late Anthony Leviero of the *New York Times*. In fact, he did read them, and cites them on page 296 of *Plain Speaking*. Nevertheless, he made no attempt to correct Truman's version as remembered eleven years after the event.

Truman's memory played other tricks on him. He told Miller that MacArthur kept him waiting

45 minutes for their *tête-à-tête*, whereupon president sailed into general: "Now you look here. I've come halfway around the world to meet you, but don't worry about that. I just want you to know I don't give a good goddamn what you do or think about Harry Truman, but don't ever again keep your Commander-in-Chief waiting. Is that clear?" This is impossible. Truman and MacArthur rode off together to the quonset, met for an hour before joining their advisers. In MacArthur's *Reminiscences* and Truman's *Memoirs*, both state that their meeting was cordial.

Truman, according to Miller, reserves his special savagery for Eisenhower, "a do-nothing president" and "a coward" because he let Joe McCarthy get away with calling General Marshall a traitor. Further, Mr. Truman provides a special bit of gossip: shortly after World War II, he told Miller, Gen. Ike wrote Gen. Marshall, then Army chief of staff, saying he wanted to marry Kay Summersby, his British receptionist and chauffeur. Whereupon Marshall replied, said Truman: "If Eisenhower even came close to doing such a thing, he'd not only bust him out of the Army, he'd see to it that never for the rest of his life would he be able to draw a peaceful breath." Despite his dislike for Eisenhower, Truman, in one of his last acts as president, "got those letters from his file in the Pentagon and I destroyed them." (In an interview with the *Washington Star-News* last Nov. 25, Maj. Gen. Harry Vaughan, 80 years old, Truman's military aide and close confidant, said the letters were not destroyed but sent to Gen. Marshall for his personal files.)

Is the Ike divorce story true, or was Truman's memory again mixing gossip with truth, wish with deed? The story has been battled around Washington for nearly three decades. Gen. Alfred M. Gruenther, one of Ike's closest friends for half a lifetime, is ready to blow a fuse; he tells me he has telephoned everyone who might know the truth, and he is convinced this is a story that has expanded in the telling. Forrest Pogue, Marshall's biographer, says the letters certainly are nowhere in Marshall's 22 filing cabinets now, not even in a thin file of sensitive personal documents—nor have they been since Pogue took custody in 1956. In 40 hours of interviews, Marshall told Dr. Pogue

many stories involving personalities, and did not even hint at the Marshall-Eisenhower exchange.

What are the ethics of publishing an old man's ramblings, some of which are demonstrably false? Miller makes it clear that Truman never expected to have this stuff published. If one picks through Miller's preface long enough, one concludes as well that the tidbits were not tape recorded, but were in the author's "mountains of notes I made at the earliest possible moment after each conversation.

"Mr. Truman's memory was best during the first two or three hours in the morning," Miller writes, "but frequently after lunch it was no good at all. This was partly due, I imagine, to the fact that an old man's memory tires easily." A few minutes before noon, Truman and Miller had a "slight libation, scotch or bourbon" or two or three.

"In the mornings," meaning when the cameras were turning and the recorders were recording, "we talked about history," he says in the preface. But "in the afternoons [meaning after Truman was squiffed and his memory was no good] we talked, if we talked at all, about more personal matters," i.e., Eisenhower's romance, one presumes, and Joe Kennedy's calling Franklin Roosevelt a "crippled son-of-a-bitch."

"Now the purists may wonder how accurate Mr. Truman's memory was when we talked," Miller writes, "and didn't he touch things up a bit at times to give himself a more heroic stance? The answer to both questions is yes, possibly." But he salves his conscience: "As I think Mr. Truman would have said, the hell with the purists. There are already hundreds of books and there will be hundreds more to clear up those small details that Mr. Truman and his friends may have misremembered." To the *Washington Star-News* Miller defended himself: "I didn't try to check anything he told me. It was not my function to be an investigative reporter."

Well, that's one way of looking at the gross distortions in this breach of trust. But does Mr. Miller also think that the late Harry S. Truman would have approved the quotes attributed to him? Oral history is rickety enough, even when the person interviewed has the chance to review what he has said. In this Truman "oral biography," the defenseless former president is the real victim.

## Unfinished business

### White vs. Thompson

(The following letter was addressed to Wayne C. Booth, whose review appeared in Nov./Dec. CJR.)

Because your essay in the *Columbia Journalism Review* seems to me one of the most intelligent evaluations of the White and Thompson books I've yet to read, I'm prompted to comment on it, a rare, indeed a properly rare, indulgence to the publisher/editor of one of the books reviewed.

First my gratitude to you for clarifying the essential natures of the two books: the seriousness, the care and the lasting value of the White; the self-indulgence, the sloppiness and the evanescent quality of the Thompson.

Then, a puzzle: you label the White "a failure." You then set up four tests and grade the White B+, A, B, C. Even if one agreed with your grades, does this add up to a failure? And you conclude: "it passes the only final test that could justify any long book on its subject: no historian of politics in 1972 will be able to ignore it." Is this failure?

Another cavil: you find White's narrative gifts "scarcely inspiring." Well, you certainly have a right to any judgment you make on this score but the evidence is strong that White's nine books to date (including two novels) have been, each of them, widely read because of their appeal as narratives, as story telling in the great tradition.

Why do I bother you with this? Because, as I said, I respect your work and because labels tend to endorse more than the details which justify them, or not.

SIMON MICHAEL BESSIE  
President  
Athenum Publishers

EDITOR'S NOTE: Wayne C. Booth replies: Mr. Bessie quite properly expresses a concern for the misleading effects that labels can have. I am happy to repeat that there are indeed grounds for praising White, aspects of White's book which succeed.

I might point out, though, that Mr. Bessie has incorrectly summa-

rized, or "labeled," what I said. I did not anywhere label the White "a failure." Near the middle of my six-page review, I wrote: "I'm not quite sure why both authors fail so badly." I was noting some failures, or failings, or defects, which disappointed me very much. I thought, and still do, that the sense in which I used the term was quite clear: neither book was a total failure, both books contained disappointing failures, and the failures of Thompson's book bothered me more than the failures of White's.

### 'Shlock' not printed here

TO THE REVIEW:

Ben H. Bagdikian has distorted his "facts" in your November-December article "Newspapers: learning (too slowly) to adapt to TV."

Mr. Bagdikian, in criticizing the Fort Wayne *News-Sentinel* and awarding (sic) it the prize for Background Schlock says: "On July 21, the day after testimony by Robert C. Mardian, the former head of the internal security division of the Department of Justice and a major CRP aide, and by Gordon Strachan, a former assistant to H. R. Halde- man, the *News-Sentinel* carried no straight news on Watergate at all; it did, however, run a banner across the top of page one—in blue ink—referring to Jeanne Dixon, the syndicated fortune teller: Seer says Nixon to Survive Watergate. On the same day, the paper carried an interview with Robert Welch, head of the John Birch Society, playing up Welch's assertion that Nelson Rockefeller planned Watergate and that Richard Nixon wanted to be the first President of the World."

Mr. Bagdikian either failed to do his own leg work or deliberately chose to ignore the fact that the *News-Sentinel* was following a basic journalistic dictum on local news. For instance, he fails to mention:

—That the entire front page that Saturday, with the exception of the Dixon feature and a small two-column story of a local traffic fatality, reported a local disaster in Fort Wayne. That disaster forced evacuation of a large portion of this city's southwest section. The major story

covered a train derailment near a residential section of the city in which two cars loaded with a toxic gas burned for three days and eventually exploded. That story was accompanied by a page one sidebar on disaster relief efforts for displaced residents and a large picture. . . .

—That on the preceding Thursday, we ran the Mardian testimony on page one. On Friday, our deadline was such that we ran the second day of Mardian's testimony, including the "Background Schlock" on how his testimony compared with other Watergate figures, including Mitchell's. . . .

—That the Dixon article was one of a two-part series that had been promoted editorially in advance. It was run on that day because of the advance publicity and because of its release date.

—That the John Birch article was a regular syndicated column we run, called "Uncommon Conversations."

Mr. Bagdikian suggests that according to his statistics, "This proves, if anything, that there is a continuing need for straight news in print."

I respectfully submit that the above set of honest facts proves, if anything, that Mr. Bagdikian has a continuing need for straight facts in drawing his conclusions.

JOSEPH F. SHEIBLEY  
Managing Editor  
The News-Sentinel  
Fort Wayne, Ind.

EDITOR'S NOTE: Ben H. Bagdikian replies: On July 21 there was, indeed, strong local news pressure—so strong, in fact, Mr. Sheibley might have let non-factual Jeanne Dixon and the John Birch Society wait, confronted as he was with local disasters, evacuations and Watergate—all factual.

The sponsors of the Nov. 8 panel discussion excerpted in CJR (Jan./Feb.) on press fairness to President Nixon were inadvertently not named; the discussion was sponsored by the alumni association of the Columbia University Graduate School of Journalism.



## REPORT ON REPORTS

### Summaries and reviews of current literature on the media

**"Was the Truth Buried at Wounded Knee?" by Neil Hickey, TV Guide, Dec. 1-7, 8-14, 15-21, 22-28, 1973.**

TV Guide's New York bureau chief has tried to examine all angles of a very complex issue ranging from whether the events were staged for the media to the quality of the coverage. There are many nuances to this four-part article, including Hickey's view that "the TV coverage was largely skeletal, one-dimensional, dutiful, chary of treating most of the subtleties inherent in the strife."

**"Marketing Public Television: Notes on the Station Independence Project," by Robert A. Wilson, Public Telecommunications Review, October, 1973.**

Can income from viewers be "increased to the point where it becomes the firm base of an independent public television station?" With the aid of the Ford Foundation, public TV stations in Cincinnati, Dallas, Lewiston, Me., New York City, and San Francisco tried to find out in a special fund raising drive. The executive vice president of the Dallas public station summarizes some of the uneven results of that drive. Despite some setbacks, Wilson found that "modern marketing practices, combined with professional advertising and promotion techniques, could significantly improve . . . fund raising results." Wilson concludes that "millions of people paying, of their own volition, for their individual public television station . . . is where we have to go."

**"Rx for Public Television," by Lloyd N. Morrisett, reprinted from the 1972/73 Annual Report of The John & Mary R. Markle Foundation.**

Morrisett—president of the foundation and chairman of the Children's Television Workshop—vigorously argues for a reassessment of public television. He maintains it must eschew "fourth network" status, and instead concentrate on defining its audience. Public TV should then develop program ideas to suit that audience, and utilize a new rating system that would measure the success or failure of these programs. Morrisett is anxious to broaden the public TV audience, and the ideas he presents deserve more than a cursory hearing. As he cogently points out, "few people in the United

States who are able to receive a public television station are frequent viewers of that station;" this "distressing fact" is an important factor in public television's continuing crisis.

**"Black Television: Avenues of Power," by Pamela Douglas, The Black Scholar, September, 1973.**

A perceptive overview by a freelance writer on the media who recently became program director at KVST-TV, an experimental, viewer-sponsored TV station in Los Angeles. Ms. Douglas has a somewhat partisan point of view as she intelligently reviews black ownership of stations, public TV, commercial TV, and cable TV. This article is but one in an entire issue devoted to the black media.

**"Dean Rusk's Views of the Washington Press Corps," by John W. English, Seminar, December, 1973.**

The former secretary of state, now a professor of international law at the University of Georgia, asserts that "it's fair to say the press can dish it out, but it doesn't like to take it." He has praise for the Washington press corps as a whole, but Rusk is concerned about some of the methods used to report the news, both on TV and in newspapers. He hopes that "citizens . . . always have a little flag of caution in the back of their minds about whether or not the facts being presented are indeed a fair representation of the facts and whether more information is needed before one can come to a final and conclusive judgment." This unusual look at the capital press corps from a former insider is written by a faculty member at the University of Georgia's journalism school.

**"The KQED Saga," by Jim Harwood, San Francisco Bay Guardian, Sept. 20 through Oct. 3, 1973.**

A sharply-worded indictment of the financial practices of the San Francisco public TV station. *Variety's* San Francisco reporter/critic charges in convincing detail that "if ever an Emmy is awarded for wasting money, KQED will walk away with it." Justifiably noted for the pioneering show "Newsroom," Harwood argues KQED has created little else and "has been producing fewer shows with increasing amounts of money."

**"The Kingdom & Power of Screw," by Jon Carroll, Oui, January, 1974.**

Contributing editor Carroll describes *Screw* as "the most successful sex tabloid in the nation," and engagingly profiles Al Goldstein, its self-confessed not-so-pleasant co-owner "who, flying blind and semiconscious, concocted *Screw's* tasty blend of overwhelming vulgarity, abusive politics, strange humor, and confessional journalism."

DANIEL J. LEAB



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## FIB to probe gap in tape

Houston Post,  
1/17/74

## Better Bull Is Aim of University

New Orleans  
Times-Picayune, 5/13/73

## Final solution not expected by Kissinger

State College, Pa.  
Mirror, 1/11/74

## Two Men Ask Redress In Rape Case

Nashville Banner,  
1/30/74

## Doctor Reports Snag in Study of Vietnam E

Milwaukee Journal,  
12/16/73

## Mediocrity in crisis

Stratford Bard,  
12/5/73

## Assembly OKs bill to help rape victims

Rockland County, N.Y.  
Journal News, 1/15/74

WASHINGTON AP - Pres-  
ident Nixon, informed today of  
the death of Fred A. Seaton in  
a Minneapolis hospital, issued a  
statement saying:

"I am

AP wire,  
1/17/74

WASHINGTON, Oct. 15 (AP)  
—President Nixon issued an  
executive order today to permit  
all of the Federal agencies and  
offices to start using a colorful  
emblem publicizing the 200th  
anniversary of the nation's  
founding.

New York Times,  
10/16/73

The Land of Sleep  
will be closed  
Thursday January 10  
due to the death of the owner  
Owen J. Higgs

Jackson, Miss.  
Clarion Ledger, 1/10/74

BOISE, Idaho AP - A de-  
lay in deciding whether state  
employees would be made  
monthly, twice a month or ev-  
ery two weeks was criticized  
today by Sen. Walter Y ar-

AP wire,  
12/14/73

### NIXON-CONFERENCE (TOPS)

(WASHINGTON) --; 043'8\$3,5 ,8/9, 8' £9)\$8,£ - ,32' £9,1343,£3  
-5 5£3 £853 £97'3. HE IS MAKING A FOREIGN POLICY ANNOUNCEMENT,  
AND IS EXPECTED TO ANSWER QUESTIONS AFTERWARDS.

AP wire, 10/3/73

### ENGLISH HISTORY AT YALE.

SHE WAS A GRADUATE OF SMITH COLLEGE AND WAS DEAD THERE WHEN CALLED  
TO RADCLIFFE. SHE ALSO ATTENDED THE UNIVERSITY OF MINNESOTA.

BEFORE HER PRESIDENCY AT RADCLIFFE, HARVARD ADMINISTRATORS HAD BEEN

AP broadcast wire,  
12/12/73

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Worcester Recorder and  
Labor News, 12/12/73

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—'Columbia Journalism Review,'  
Fall, 1961.

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